

Michael C. Wagner v. North American Honda Motor Co., Inc; 2024 LexisNexis Jury Verdicts & Settlements 245

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Oct. 1, 2024 (verdict)

Headline: New York Jury Awards \$600,000 In Mechanic's Mesothelioma Case

Result: \$600,000 plaintiff verdict (\$300,000 for past pain and suffering from the onset of Michael Wager's mesothelioma and \$300,000 for his future pain and suffering)

Injury: Mesothelioma

Court: N.Y. Sup., New York Co.

Judge: Lyle E. Frank

Plaintiff Profile

Michael Wagner

Defendant Profile

North American Honda Motor Co. Inc

Plaintiff Counsel

Jamie Mattera, Ilya Kharkover and Pierre Ratzki, Weitz & Luxenberg PC, New York

Defendant Counsel

Heather Janis Gaw, Segal, McCambridge, Singer & Mahoney LTD, New York

Case Summary

Claim: Reckless disregard

Background: Michael Wagner filed suit in the New York County, New York, Supreme Court against numerous entities he claimed exposed him to asbestos during his career as a mechanic. Wagner said he contracted mesothelioma as a result of the exposures.

The case proceeded to trial against automobile maker North American Honda Motor Co. Inc. On Aug. 19, 2024, the jury was selected, and trial began the next day.

At trial, Wagner argued that Honda knew about the dangers of asbestos and that mechanics like himself would be exposed to asbestos when working with asbestos-containing automobile parts. Wagner argued that while Honda warned its own dealerships about the dangers, it never warned other mechanics or tested its vehicles or the asbestos-containing components of those vehicles.

On Sept. 24, 2024, Honda moved to dismiss a punitive damages claim, citing corporate witness testimony that Honda didn't issue any warnings because its understanding at the time was that mechanics were not at an increased risk of disease. In an opposition filed Sept. 26, 2024, Wagner argued that Honda destroyed evidence related to asbestos after being named in suits and "buried its head in the sand about the true nature and extent of the harm it caused." Wagner said Honda sold its first asbestos-free automobile in 1992 and didn't stop including asbestos in component parts until 1994, decades after the issuance of the first federal regulations on asbestos.

The court allowed a reckless disregard claim to go before the jury.

Wagner called David Rosner, an expert in state of the art at Columbia University in New York; Kenneth Garza, CIH, a certified industrial hygienist at Gobbell Hays Partners Inc. in Denver; and Mark Ginsburg, an expert in cardiovascular and thoracic surgery in Pomona, N.Y.

Honda called Dominik Alexander, Ph.D., MSPH, an epidemiologist and president and founding principal at MetaMethod and affiliate faculty member at Colorado State University Department of Animal Science in Fort Collins, Colo.; Allan Feingold, M.D., an expert in pulmonology in Miami; Stanley Geyer, M.D., an expert in anatomical pathology in Indiana, Pa.; and Kelly Tuttle, Ph.D., CIH, DABT, a toxicologist and industrial hygienist from Addison, Texas.

On Sept. 27, 2024, the defense gave its closing argument. On Sept. 30, 2024, Wagner gave his summation.

Other: On Oct. 1, 2024, the jury returned its verdict.

The jury found that Wagner was exposed to asbestos from Honda's products and that Honda failed to exercise reasonable care by not including a warning with those products. The jury found that the failure constituted a substantial contributing factor in his disease.

The jury found that Honda did not act with reckless disregard.

The jury found that Wagner experienced exposure from the products of 21 nonparty entities that appeared on the verdict sheet. The jury found that none of those entities failed to exercise reasonable care.

The jury awarded \$300,000 for past pain and suffering from the onset of Michael Wager's mesothelioma and \$300,000 for his future pain and suffering. The jury found that Wagner would experience 8.4 years of future pain and suffering. The jury declined to award any punitive damages.

Justice Lyle E. Frank presided.

Plaintiff Expert(s)

David Rosner, expert in state of the art, Columbia University, New York Kenneth Garza, CIH, certified industrial hygienist, Gobbell Hays Partners Inc., Denver Mark Ginsburg, expert in cardiovascular and thoracic surgery, Pomona, N.Y.

Defendant Expert(s)

Dominik Alexander, Ph.D., MSPH, epidemiologist and president and founding principal, MetaMethod and affiliate faculty member, Colorado State University Department of Animal Science, Fort Collins, Colo. Allan Feingold, M.D., expert in pulmonology, Miami Stanley Geyer, M.D., expert in anatomical pathology, Indiana, Pa. Kelly Tuttle, Ph.D., CIH, DABT, toxicologist and industrial hygienist, Addison, Texas

Key Related Documents

N/A