

# Plotkin, Evan et al. v. Johnson & Johnson, et al; 2024 LexisNexis Jury Verdicts & Settlements 219

ASB-FBT-CV21-6109520-S

Oct. 15, 2024 (verdict)

**Headline:** Connecticut Jury Hits J&J Entities With \$15 Million Talc Verdict

**Result:** \$15 million plaintiff verdict (compensatory damages)

**Injury:** Mesothelioma

**Court:** Conn. Super., Fairfield at Bridgeport

## Plaintiff Profile

Evan Plotkin and Martha Barry-Plotkin

## Defendant Profile

Kenvue Inc., Johnson & Johnson Holdco (NA) Inc., LLT Management LLC, LTL Management LLC and Pecos River Talc LLC

## Plaintiff Counsel

Benjamin D. Braly and Ethan A. Horn, Dean, Omar, Branham & Shirley LLP, Dallas; Brian P. Kenney, Early, Lucarelli, Sweeney & Meisenkothen LLC, New Haven, Conn

## Defendant Counsel

Robert R. Simpson, Sheldon R. Poole and James D. Geisler, Shook, Hardy & Bacon LLP, Hartford, Conn; Gregory Boulos, Shook Hardy, Miami; Colin K. Kelly and Anna S. Pieschel, Shook Hardy, Atlanta

## Case Summary

**Claim:** Successor liability and product liability

**Background:** Evan Plotkin and Martha Barry-Plotkin filed suit in the Fairfield at Bridgeport, Conn., Superior Court after he developed mesothelioma. They claimed that he was exposed to asbestos in talc, partly from the use of consumer talc products from the 1950s through the 2000s. In an amended complaint the Plotkins alleged, among other things, exposure to asbestos in Johnson & Johnson Baby Powder. The Plotkins claim that Johnson & Johnson (J&J) owned the Vermont talc mines that were the source of at least some of his exposure.

Evan Plotkin is a father of three who was recognized as citizen of the year by the Springfield, Conn., Regional Chamber of Commerce in 2022 and operates NAI Plotkin, a construction management services company founded in 2007.

The suit eventually came to encompass J&J entities created by the company through its three attempts at bankruptcy: Kenvue Inc., Johnson & Johnson Holdco (NA) Inc., LLT Management LLC, LTL Management LLC and Pecos River Talc LLC.

In September 2023, Holdco, Kenvue and a third company moved to strike the allegations against them, arguing that they held no talc liabilities, all of which they claimed belonged with former versions of Johnson & Johnson Consumer Inc. Judge Barbara N. Bellis denied the motion in a one-page order, finding that it raised issues of fact and evidence outside the complaint and that a motion for summary judgment, not a motion to strike, was the proper vehicle for such arguments.

The case proceeded to trial against the J&J entities on successor liability and product liability claims.

On Oct. 8, 2024, J&J moved for a directed verdict.

On Oct. 10, 2024, they moved for a mistrial, but the claims went to verdict.

**Other:** At trial, the Plotkins called Arnold Brody, Ph.D., a pathologist and cell biologist and professor emeritus at Tulane University School of Medicine in New Orleans; Steven Haber, a pulmonologist from Houston; William Longo, an electron microscopist at Materials Analytical Services in Suwanee, Ga.; Mark Bailey, a geologist and president of Asbestos TEM Laboratories Inc. in Berkeley, Calif.; and David Madigan, Ph.D., an expert in statistics and provost and senior vice president for academic affairs at Northeastern University in Boston. J&J relied on Richard Attanoos, M.D., an expert in pathology at Spire Cardiff Hospital in Cardiff, Wales.

The jury found that Kenvue and Holdco are successors in interest to J&J and a former version of Johnson & Johnson Consumer Inc. The jury found all five defendants strictly liable and negligent. The jury found that all five failed to warn and that their conduct caused Evan Plotkin's injury.

On Oct. 15, 2024, the jury awarded \$15 million. The jury chose not to reduce the verdict based on Evan Plotkin's failure to mitigate damages.

The jury then found punitive damages warranted. By state law, the punitive damages phase will be decided by the judge in the future, sources told Mealey Publications.

#### **Plaintiff Expert(s)**

Arnold Brody, Ph.D., pathologist and cell biologist and professor emeritus, Tulane University School of Medicine, New Orleans  
Steven Haber, pulmonologist, Houston  
William Longo, electron microscopist, Materials Analytical Services, Suwanee, Ga.  
Mark Bailey, geologist and president, Asbestos TEM Laboratories Inc., Berkeley, Calif.  
David Madigan, Ph.D., expert in statistics and provost and senior vice president for academic affairs, Northeastern University, Boston

#### **Defendant Expert(s)**

Richard Attanoos, M.D., expert in pathology, Spire Cardiff Hospital, Cardiff, Wales

#### **Key Related Documents**

J&J's trial brief on liability, causation and damages.

Document #01-241023-050B.

Plotkins' pretrial memorandum.

Document #01-241023-051B.

J&J's motion for directed verdict.

Document #01-241023-052B.

J&J's motion for mistrial.

Document #01-241023-053B.

J&J entities' motion to strike.

Document #01-240424-002M.

J&J entities' brief in support with attachments.

Document #01-240424-001B.

Plotkin's objection.

Document #01-240522-023B.

Plotkin's seventh amended complaint.

Document #01-231025-016C.

Copyright 2024 LexisNexis, Division of Reed Elsevier Inc.  
LexisNexis Jury Verdicts and Settlements Report

---

End of Document