

[Jose Manuel Estrada, et al. v. American Honda Motor Co., Inc; 2025  
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24STCV15531

Feb. 20, 2025 (special verdict)

**Headline:** Jury Returns Verdict For American Honda In Asbestos Brakes Case

**Result:** Defense verdict

**Injury:** Mesothelioma

**Court:** Calif. Super., Los Angeles Co.

**Judge:** Michael I. Levanas

**Plaintiff Profile**

Jose and Isabel Estrada

**Defendant Profile**

American Honda Motor Co

**Plaintiff Counsel**

Jennifer Alesio and Gary DiMuzio, Simmons Hanly Conroy LLP, San Francisco

**Defendant Counsel**

Michael Drumke and Adam Doeringer, Swanson Martin & Bell LLP, Chicago; John Eberlein and Heather Gaw, Segal McCambridge Singer & Mahoney Ltd., San Francisco; Emily Cuatto, Horvitz & Levy LLP, Los Angeles

**Case Summary**

**Claim:** Strict liability?design defect?consumer expectations test, strict liability?failure to warn, negligence?failure to warn, product liability?negligence and failure to recall or retrofit

**Background:** Jose and Isabel Estrada filed suit in the Los Angeles County, Calif., Superior Court claiming exposure to asbestos in, among other things, automobile parts. The Estradas claimed that he was exposed when he worked with various products at a tire store.

The case went to trial against automaker American Honda Motor Co. on claims that Jose Estrada was exposed to asbestos in brake assemblies the company distributed and sold. Jose Estrada said he developed mesothelioma as a result of the exposures.

The couple went to trial on claims of strict liability?design defect?consumer expectations test, strict liability?failure to warn, negligence?failure to warn, product liability?negligence and failure to recall or retrofit.

**Other:** During the trial, the Estradas moved to exclude testimony of Stasha Novakovic regarding any potential genetic cause of Jose Estrada's mesothelioma. On Feb. 7, 2025, Judge Timothy Patrick Dillon largely granted the motion. American Honda contended that Novakovic can testify that there are other potential genetic causes of mesothelioma outside of the BAP1 gene, but his report was general, and the study on which he relied focused on other cancers, not mesothelioma, Judge Dillon said.

Further, American Honda did not make much of an effort to establish Novakovic's qualifications, Judge Dillon said.

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"Although the report is co-signed, there is no explanation why it is co-signed or what is Novakovic's opinions as opposed to [expert Allan] Feingold's. In its memorandum, Defendant talks at length about Novakovic's background as a doctor. But as to genetics, Defendant relies on a phrase Novakovic mentioned at deposition: 'practically on a daily basis.' Novakovic gave this testimony while denying being a cancer geneticist," Judge Dillon said. As the Estradas point out, Novakovic was not designated as an expert who could testify regarding genetics, Judge Dillon said.

"Plaintiffs' motion is granted to the extent that Dr. Novakovic is precluded from testifying at trial about genetics, including DNA replication, as a cause of Jose Manuel Estrada's disease. Any other relief sought by Plaintiffs' motion in limine is denied," Judge Dillon said.

American Honda called experts Kelly Scribner Tuttle, Ph.D., CIH, DABT, a toxicologist in Addison, Texas; Dominik Alexander, Ph.D., MSPH, an epidemiologist in Fort Collins, Colo; and Victor Roggli, M.D., a pathologist in Durham, N.C.

The Estradas called experts Arnold Brody, Ph.D., a cellular biologist in New Orleans; Barry Horn, M.D., a pulmonologist in Berkeley, Calif.; John Templin, a certified industrial hygienist in San Francisco; Gerald Markowitz, Ph.D., a history professor and expert in state of art in New York; Allan Smith, M.D., an epidemiologist from Berkeley, Calif.; James Mills, an economist in Los Altos, Calif.; Brent Staggs, Ph.D., M.D., a pathologist in Little Rock, Ark.; and Michael Fishbein, M.D., an anatomic pathology expert in Santa Monica, Calif.

On Feb. 20, 2025, the jury handed down a defense verdict.

After three weeks of trial, the jury found that American Honda's products failed "to perform as safely as an ordinary consumer would have expected" and that the products were "used in a way that was reasonably foreseeable" to American Honda but that the failure was not "a substantial factor in" Jose Estrada's injury. The jury found that American Honda's products contained "risks that were known or knowable" to it and that American Honda failed to warn of the risks. But the jury then found that the lack of "sufficient warnings" was not "a substantial factor in causing" Jose Estrada's harm.

The jury found that American Honda knew or should have known its "product(s) were dangerous or were likely to be dangerous when used or misused in a reasonably foreseeable manner" and that the defendant should "have reasonably known that users would not realize the danger" and that the company "failed to adequately warn of the danger." The jury found that "a reasonable distributor" would have warned of the danger in a similar circumstance and that Jose Estrada was harmed. But the jury then found that the failure to warn was not "a substantial factor in" that harm.

The jury found American Honda negligent but that the negligence was not "a substantial factor in" Jose Estrada's harm.

American Honda knew or should have known that the products were dangerous, discovered the defect after the sale of the products and failed to recall, retrofit or warn about the danger, the jury found. The jury found that a reasonable distributor would have recalled, retrofitted or warned about the danger. But the jury then found that American Honda's failures were not a substantial factor in Jose Estrada's harm.

Judge Michael I. Levanas presided.

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

Arnold Brody, PhD, cellular biologist, New Orleans Barry Horn, M.D., pulmonologist, Berkeley, Calif. John Templin, certified industrial hygienist, San Francisco Gerald Markowitz, Ph.D., history professor and expert in state of art, New York Allan Smith, M.D., epidemiologist, Berkeley, Calif. James Mills, economist, Los Altos, Calif. Brent Staggs, Ph.D., M.D., pathologist, Little Rock, Ark. Michael Fishbein, M.D., anatomic pathology expert, Santa Monica, Calif.

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

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Kelly Scribner Tuttle, Ph.D., CIH, DABT, toxicologist, Addison, Texas Dominik Alexander, Ph.D., MSPH, epidemiologist, Fort Collins, Colo Victor Roggli, M.D., pathologist, Durham, N.C.

### **Key Related Documents**

Special verdict form.

Document #01-250312-005V.

Estrada's motion in limine.

Document #01-250312-006M.

Attorney Deborah Rosenthal's declaration.

Document #01-250312-007X.

American Honda's opposition.

Document #01-250312-008B.

Notice of entry of order.

Document #01-250312-009R.

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