

# Denise Cook v. Avon Products Inc; 2025 LexisNexis Jury Verdicts & Settlements 50

CACE24003818

March 14, 2025 (verdict)

**Headline:** Florida Jury Awards \$18M In Asbestos Case Against Brake Grinding Manufacturer

**Result:** \$18 million plaintiff verdict

**Injury:** Malignant epithelioid mesothelioma of the peritoneum

**Court:** Fla. Cir., 17th Jud.

**Judge:** Martin Bidwill

## Plaintiff Profile

Denise J. Guth Cook

## Defendant Profile

Hennessy Industries Inc

## Plaintiff Counsel

Ryan Sweet and Kelsey Early, Maune Raichle, Edwardsville, Ill.

## Defendant Counsel

Edward Slaughter and Haley Hansen, Gordon Rees, Dallas

## Case Summary

**Claim:** Negligence, product defect and strict liability

**Background:** Denise J. Guth Cook filed suit in the Broward County, Fla., 17th Judicial Circuit Court alleging that she contracted malignant epithelioid mesothelioma of the peritoneum after exposure to asbestos. Cook claimed exposure to asbestos in automobile parts and in consumer talc products. Cook was allegedly exposed as a bystander and from household exposures to asbestos-tainted clothes worn by her father and brother, who worked at automotive repair shops.

**Other:** The case went to trial on negligence, product defect and strict liability claims against brake grinding machine manufacturer Hennessy Industries Inc.

Hennessy denied in court documents that it was negligent, that its brake grinding machines are defective or that it could be held strictly liable for Cook's injuries. Hennessy also argued that Cook's mesothelioma was more likely caused by exposure to asbestos in consumer cosmetic talc products she used from 1960 to 2023.

Opening arguments occurred Feb. 18, 2025.

In his opening argument on behalf of Cook, Ryan Sweet of Maune Raichle Hartley French & Mudd LLC told the jury that even with safety measures applied, grinding asbestos-containing brakes on Hennessy's AMMCO grinder resulted in exposures exceeding federal regulations for the time in question. Sweet said Longo concluded that grinding brakes four times or more per day would likely expose an individual to levels of asbestos exceeding any permissible historical or current standards, Sweet said.

Use of the grinding machine resulted in "exponentially higher" levels of exposure compared to simply handling the brakes, Sweet told the jury.

It wasn't just the direct work that exposed workers, Sweet said. Workers also emptied dust collection bags and cleaned up after work, further exposing them to dangerous levels of asbestos, Sweet said. Longo also performed studies looking at exposure levels created when someone shook out asbestos-tainted work clothes. This also produced excessive levels of asbestos fibers in the air, Sweet said.

"Ms. Cook either being present during the grinding, present during the cleanup or present during the laundry, was always exposed to greater levels of asbestos from those brakes because of the grinder, not just from handling the brakes themselves," Sweet said.

Appearing for Hennessy, Edward Slaughter of Gordon Rees Scully Mansukhani LLP told the jury that Hennessy tested its grinder and its safety measures and found exposure to asbestos within the standards set in the regulatory requirements of the time. "That level was not zero. We aren't trying to hide that from anybody. The brakes had asbestos in them," Slaughter said.

But proactive testing by Hennessy showed that the levels met regulatory standards, Slaughter said. By 1973, Hennessy grinding machines were outfitted with dust collectors, he said.

The jury found that Hennessy's negligence was a legal cause of Cook's disease but that it had not placed on the market a defective product that was the legal cause of her disease.

Cook called experts William Longo, Ph.D., an electron microscopist at Materials Analytical Services in Suwanee, Ga.; Brent Staggs, Ph.D., M.D., a pathologist in Little Rock, Ark.; Marty Kanarek, Ph.D., M.P.H., an epidemiologist and public health expert at the University of Wisconsin-Madison in Madison, Wis.; Arnold Brody, Ph.D., a pathologist and cell biologist and professor emeritus at Tulane University School of Medicine Department of Pathology in New Orleans; and Arthur Frank, M.D., Ph.D., an occupational medicine expert at Drexel University Department of Environmental and Occupational Health at the Dornsife School of Public Health in Philadelphia.

Hennessy called Richard Attanoos, M.D., a pathologist at Spire Cardiff Hospital in Cardiff, Wales.

On Feb. 14, 2025, the jury returned its verdict.

The jury found Hennessy 15% liable. The jury apportioned 12% of the liability to Johnson & Johnson. It apportioned 8% of the liability to each of the following: Genuine Parts Co., Raymark Industries, Ford Motor Co., Honeywell International Inc., Chrysler Corp., Nissan North America Inc., General Motors Co. and one other defendant. The jury apportioned 2% of the liability each to Luk Clutch Systems, ZF Active Safety US Inc. and Morse Tec LLC. The jury apportioned 1% of the liability to Holley Performance Products Inc., DCO LLC and Fel-Pro Inc.

The jury found that Cook suffered pain and suffering and related damages in the amount of \$18 million.

Judge Martin Bidwill presided.

**Defense:** Hennessy was not negligent, its brake grinding machines were not defective and it could not be held strictly liable for Cook's injuries; Cook's mesothelioma was more likely caused by exposure to asbestos in consumer cosmetic talc products she used from 1960 to 2023.

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

William Longo, Ph.D., electron microscopist, Materials Analytical Services, Suwanee, Ga. Brent Staggs, Ph.D., M.D., pathologist, Little Rock, Ark. Marty Kanarek, Ph.D., M.P.H., epidemiologist and public health expert, University of Wisconsin-Madison, Madison, Wis. Arnold Brody, Ph.D., pathologist and cell biologist and professor emeritus, Tulane University School of Medicine Department of Pathology, New Orleans Arthur Frank, M.D., Ph.D., occupational medicine expert, Drexel University Department of Environmental and Occupational Health, Dornsife School of Public Health, Philadelphia

**Defendant Expert(s)**

Richard Attanoos, M.D., pathologist, Spire Cardiff Hospital, Cardiff, Wales

**Key Related Documents**

Sweet's opening statement. <https://hubs.ly/Q0387LDj0>. Slaughter's opening statement. <https://hubs.ly/Q0387Lqj0>.

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