

VERDICTS & SETTLEMENTS

Italian Tests Help Sway Jury in Mesothelioma Case

by Celia Ampel

A Miami widow's ties to Italy helped her win a \$9 million asbestos verdict after her 64-year-old husband died of mesothelioma.

Dennis Britt met his Italian wife, Rosa-Maria, while stationed overseas as a member of the U.S. Army Special Forces. Later in his career, he sold benefits packages to large corporations, including aerospace and



J. ALBERT DIAZ

Janpaul Portal and Juan Bauta of the Ferraro Law Firm won a \$9 million asbestos verdict for a woman whose husband died of mesothelioma before trial.

Case: Rosa-Maria F. Britt v. Northrop Grumman Systems

Case no.: 2012-030637-CA-01

Description: Asbestos litigation

Filing date: Aug. 6, 2012

Verdict date: Sept. 29, 2016

Judge: Miami-Dade Circuit Judge William Thomas

Plaintiffs attorneys: Janpaul Portal and Juan Bauta, The Ferraro Law Firm, Miami

Defense attorneys: Fredrick McClure, Tampa, and Ileana Blanco, Houston, DLA Piper

Verdict amount: \$9 million

defense technology company Northrop Grumman Corp.

During his onsite enrollment visits to Northrop Grumman between 1978 and 1988, Britt inhaled asbestos from insulation used in the company's aircraft manufacturing facilities, his widow claimed. He died of malignant pleural mesothelioma in June 2014, two years

after Janpaul Portal and Juan Bauta of the Ferraro Law Firm in Miami filed suit on his behalf.

When the case came to a trial in Miami-Dade Circuit Court last month, Northrop Grumman argued a lab analysis of Dennis Britt's lung tissue showed no asbestos exposure above background levels.

But because Britt had been diagnosed with mesothelioma in Italy, the Italian government did its own analysis, called a tissue digestion.

"They found crazy amounts of asbestos in the guy's lungs," Bauta said. "They found 650,000 [asbestos] fibers per gram of tissue."

Northrop Grumman, represented by DLA Piper attorneys Fredrick McClure of Tampa and Ileana Blanco of Houston, argued the two analyses were like apples and oranges.

For instance, the defense expert's analysis used wet lung tissue, while the Italian government used dry lung tissue. The American lab does not count asbestos fibers less than five microns long, while the Italians do, the defense argued in the trial before Miami-Dade Circuit Judge William Thomas.

Britt's mesothelioma wasn't necessarily caused by asbestos exposure, Northrop Grumman's lawyers told the jury, and even if it was, the Virginia-based company's aircraft manufacturing plants weren't the source.

The defense's witnesses included a pathologist from Duke

University Medical Center who testified about factors that can contribute to lung disease and a Tampa-based toxicologist who spoke about how to diagnose asbestos-related disease. Several Northrop Grumman employees were also called to the stand.

"They were hanging their hat a lot on [the idea] that he didn't have enough asbestos exposure," Bauta said.

But plaintiffs counsel argued the Italian government's analysis did more than just show the presence of asbestos in Britt's lungs.

The tissue digestion also showed what type of fiber he had allegedly inhaled—and it matched the fibers Northrop Grumman identified in an asbestos survey of its facilities, Bauta said.

Dennis Britt had spent time in the company's 300-acre facility in California and its 600-acre facility in New York during the decade he worked for Corporate Benefits Systems. His asbestos exposure came from insulation used for Northrop Grumman's steam generators, his widow claimed.

Along with Rosa-Maria Britt, the plaintiffs witnesses included the couple's son, Northrop Grumman representatives and two doctors well-versed in the links between asbestos exposure and mesothelioma.

The jury on Sept. 29 awarded about \$9.02 million to Rosa-Maria Britt, finding Northrop Grumman's negligence had caused her husband's disease.

The bulk of the damages, \$8.5 million, were for the loss of her husband's companionship and protection and her mental pain and suffering because of his death. The jury also awarded medical expenses and funeral costs.

Northrop Grumman has not yet decided whether to appeal the decision, a spokesman said.

"We do not believe the evidence supports the verdict, and we are evaluating our options," said Randy Belote, the company's vice president of strategic communications.

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