

Lung-cancer victim wins \$850,000 in asbestos suit

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A Delaware County man who suffers from a form of lung cancer called mesothelioma has won an \$850,000 out-of-court settlement from manufacturers of asbestos products.

The settlement came before the start of a trial in Delaware County Court two weeks ago on a civil suit against two large asbestos manufacturers and sellers, Johns-Manville and Raybestos-Manhattan, and 30 other companies.

The suit was filed on behalf of Robert P. Carmen and his wife, Margaret, of Lansdowne, the parents of eight children, by Philadelphia lawyer Stephen M. Feldman.

In a pretrial statement, Feldman alleged negligence in the manufacturing and sale of the asbestos products, failure to warn users of hazards and to advise them on proper precautions.

Similar suits seeking damages for asbestos-related health problems have been filed in federal court and county courts throughout southeastern Pennsylvania and New Jersey.

One count of the Carmens' civil suit accused Johns-Manville and Raybestos-Manhattan of civil conspiracy "to suppress, withhold and actively conceal the hazardous nature of asbestos and the dangers of working with it."

Attorneys for Johns-Manville and Raybestos-Manhattan declined com-

ment on the settlement, citing an agreement of confidentiality that was approved by attorneys for both sides in negotiations supervised by Judge R. Barclay Suttrick.

Carmen, 56, is suffering from the cancer of the outside layer of the lung which was caused by "exposure to all forms of asbestos, with a latency period of 10 to 30 years," according to the suit.

Carmen's lawyers at first sought \$2 million as the price for Carmen's disease, characterized by extreme shortness of breath, severe pain in his chest and back, and adverse reaction to radiotherapy.

Carmen came into contact with asbestos during his work as a pipefitter and fire fighter in the Navy

PLAINTIFF'S EXHIBIT

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and as a plumber in civilian life, the lawsuit contended.

"Plaintiff worked with asbestos products on a regular basis throughout his employment career from 1942 through 1977 (when he became disabled), with the sole exception of his brief employment with Keystone Shipping in 1974," the pretrial statement said.

In the Navy, the suit said, Carmen "wore an unlined asbestos firesuit covering his whole body from head to toe . . .

"While working as a plumber in civilian life he either himself worked with asbestos insulation and pipecovering or worked immediately next to other workmen who worked with it . . . as a fire fighting instructor at

Philadelphia Navy yard he wore an unlined asbestos firesuit. In his duties at Midvale Steel he would be present when pipes were repaired and thus be exposed to dust from the asbestos pipe covering.

"And finally, as chief engineer for the Holiday Inn, he was required to

fix leaking pipe, removing old asbestos insulation and applying new insulation."

The suit claimed that "prior to 1940, the defendants had actual knowledge of the dangers of asbestos and this knowledge was bolstered as time went on."