

186 THE WALL STREET JOURNAL TUESDAY, MAY 14, 1991

PUNITIVE DAMAGES AWARDED in maritime asbestos case.

A Cleveland jury in federal court awarded \$650,000 in punitive damages to the estate of Maurice J. Moline, a merchant seaman who died in 1988 at the age of 61 from mesothelioma, a rare form of lung cancer believed to be caused by asbestos.

Until the 1970s, merchant ships were built using asbestos. The suit alleged that 13 companies that owned ships on which Mr. Moline sailed from 1944 until 1969 knew about the health dangers associated with asbestos and failed to warn Mr. Moline and other crew members. Among the defendants are American President Lines Ltd. and Matson Navigation Co., both based in San Francisco.

The punitive award is believed to be the first by a jury against a shipping company in a maritime asbestos case and could have implications for the more than 20,000 similar cases pending around the country, said Leonard Jaques, a Detroit admiralty lawyer who is handling the majority of those cases.

But Thomas O. Murphy, a Cleveland lawyer who represented three of the defendants, said punitive damages are inappropriate because the shipping companies "didn't know any more about the dangers of asbestos than anyone else."

He said an appeals court has yet to address whether punitive damages are viable in maritime asbestos cases. He said his clients will appeal.

TC
Jay Kitchener

Jay,
note that the suit
addresses "failure to warn".