

Asbestos-exposed workers suing employer, 32 others

By RHONDA L. RUNDLE

LOS ANGELES—Thirty-one workers who discovered they were exposed to asbestos six weeks into a building remodeling job are suing their employer for both civil damages and workers compensation benefits.

Pacific Telephone & Telegraph Co., which employs the workers, and 32 asbestos makers are named in the civil lawsuit filed Aug. 17 in Los Angeles Superior Court. Each of the 31 plaintiffs is asking for unspecified general damages and \$1 million in punitive damages.

The suit follows a recent string of California cases in which employees have successfully broken through the exclusive remedy rule of workers compensation to sue their employers in state courts (BI, May 11).

Since none of the plaintiffs currently has an asbestos-related disease—only fear of eventually developing it after exposure—the case also appears to be a new thorn in the thicket of asbestos litigation.

The plaintiffs were told following medical examinations that each of them is "subject to developing the condition known as asbestosis and as a result thereof will require medical attention for the rest of their lives," say court documents.

Plaintiff attorney Lloyd Robinson cites a recent California case as

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a precedent for legal action outside the workers compensation system when an employer's fraudulent and intentional concealment of a hazardous condition caused aggravation of a disease.

The California Supreme Court ruled last year in an asbestos-related case against Johns-Manville Products Corp. that a worker suffering an industrial disease can sue his employer for fraudulently concealing the disease and its cause (BI, July 28, 1980).

"Pacific Telephone & Telegraph Co. intentionally failed to reveal its knowledge of said (asbestos) risk and consciously and actively concealed and suppressed said knowledge from its employees," the lawsuit contends.

Pacific Telephone had no prior knowledge of hazardous conditions, counters a company spokesman.

As soon as the possible presence of asbestos fibers was brought to the company's attention, work stopped and air samples were sent to an environmental laboratory for analysis, he said.

Subsequent on-site testing conducted by the telephone company found that asbestos levels did not exceed safe levels set by the Occupational Safety and Health Agency, the spokesman added.

The other defendants, who are asbestos manufacturers or distributors, are charged with conscious disregard for the safety of product users.

They had specific prior knowledge that there was a high risk of injury resulting from exposure to asbestos but did not try to protect or warn users of the danger, says the suit.

PLAINTIFF'S EXHIBIT

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All of the 31 plaintiffs have filed workers compensation cases as well as civil suits, confirmed Pacific Telephone. The first case will be heard before the Workers Compensation Appeals Board in January and is expected to set a strong precedent for the others.

The exposure occurred over a six-week period from May through June 1980 in a 30-year-old building where Pacific Telephone was remodeling a switching office. Large cables containing telephone wiring that were lodged between two floors had to be torn out.

An asbestos product was used to insulate the cables between the floors and workers had to dig it out to dislodge the telephone cables. No breathing apparatuses or other safety equipment were used.

"None of the employees knew what the stuff was until two employees of Western Electric saw what was going on and told them," Mr. Robinson said. Before that time workers were not aware that exposure to asbestos presented any risks.

Asbestos makers and distributors named in the suit include: Johns-Manville Corp., Fibreboard Paper Products Corp., Owens-Corning Corp., GAF Corp., Combustion Engineering Inc., The Celotex Corp., Unarco Industries Inc., Raybestos-Manhattan Inc.

Also, Standard Asbestos Manufacturing & Insulation Co., The Flintkote Co., Armstrong Cork Co., J.P. Stevens Inc., Thrope Insulation Inc., Crown Cork & Seal, Sepeco Corp., Nicolet Industries, Amatex, Claremont Inc., Eastern Refractories, H.R. Porter Co., Pittsburgh Corning Corp.

Also, Rock Wool Manufacturing Co. Inc., Atlas Asbestos Co., Eagle-Picher Industries Inc., 48 Insulation Corp., Acanda Inc., Munder Cork Inc., Rubenod Co., Keesby & Manhattan Co., Phillip Carey Manufacturing Co. and Pabco.

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