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Cahill's Asbestos Problem: Playing With Fire

The American Lawyer

By The American Lawyer

Jeffrey Pollock was mentioned in the American Lawyer article, "Cahill's Asbestos Problem: Playing With Fire." Full text can be found in the December 29, 2014, issue, but a synopsis is below.

Cahill's Asbestos Problem: Playing With Fire - Fox Rothschild LLP (United States) 12 January 2015

Cahill Gordon & Reindel's asbestos problem began on June 15, 2009, when 73-year-old retired chemical engineer David Swanson sought the legal advice of Cohen, Placitella & Roth. Swanson had worked as a research engineer at New Jersey-based Engelhard Corporation, eventually retiring in 1996. In 2009, his daughter, Donna Paduano, sued his former employer.

Paduano had mesothelioma, a deadly cancer of the lining of the lung that is strongly linked to asbestos exposure. Paduano claimed that her father was exposed to asbestos on the job, and that she, therefore, was exposed to it through his work clothes and her visits to his laboratory.

By the time Paduano filed her suit, Engelhard had been acquired in 2006 by the giant German chemical company BASF SE. Christopher Placitella, Paduano's lawyer, sued one of BASF's U.S.-based divisions, BASF Catalysts LLC. Cahill.

The Litigation Privilege

In March 2011, Placitella boldly went after BASF and Cahill with a federal fraud and RICO lawsuit in New Jersey federal court on behalf of numerous clients in the United States who had been exposed to Engelhard talc products, or whose spouse or relative had suffered on account of the exposure.

"I Want the People to Have Their Shot"

While Placitella accumulated evidence against BASF and Cahill, his federal RICO suit was derailed. Consequently, on Dec. 12, 2012, New Jersey U.S. District Judge Stanley Chesler dismissed the case and Placitella had to appeal to the Third Circuit.

Fox Rothschild's Jeffrey **Pollock**, who has experience in corporate defense work, assisted on the briefing and handled the oral argument.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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