

Summary Judgment Ruling Defines Issues

The Summit County Common Pleas Court has issued a summary judgment ruling that has practice and policy implications for many of the other workers compensation/asbestos cases where there are multiple employer-defendants. Watson v. Lockheed Martin Corporation, et al., AC 2001-12-6418A is available on the AC web link.

In overruling motions for summary judgment the court determined several significant issues. First, it is appropriate for a Plaintiff to identify multiple employers as defendants in workers compensation/asbestos appeals. Second, settlement with any one of several employer-defendants may take place without release of other defendants. Third, jury interrogatories are focused on the issue of the employees' claim of injurious exposure or aggravation thereof with each named employer. Fourth, pro rata contribution of several defendants, if found responsible, is not to be determined in the pending cases.

The court also ruled that the question of the existence or nonexistence of asbestos is not a fact within the knowledge or experience of lay persons and will generally require qualified expert testimony. Ev.R. 702(A).

Finally, the court observed that summary judgment will be considered where appropriate as to employment exposure, injury, causation, aggravation and related issues provided they are timely asserted.

Judge John R. Milligan
6/12/03