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## APPELLATE DIVISION REVERSES DISMISSAL OF WRONGFUL DEATH ACTION, RENEWING HOPE FOR MESOTHELIOMA VICTIM'S WIDOW

**Wednesday, May 24, 2017 ~ Lawrenceville, NJ:** The Appellate Division of the New Jersey Superior Court has reversed the decision of a trial judge in favor of Union Carbide Corporation ("Union Carbide"), a subsidiary of the Dow Chemical Company. The lower court dismissed a product liability and wrongful death action that had been brought by a widow on behalf of her husband who died of mesothelioma as a result of his workplace exposure to asbestos. The appeal of the lower court's decision to dismiss the case was successfully prosecuted on behalf of the deceased's estate by attorneys [Robert E. Lytle, Esq.](#) and [Jeffrey P. Blumstein, Esq.](#) from the law firm of [Szaferman, Lakind, Blumstein & Blader, P.C.](#) As a result of the reversal, the complaint against Union Carbide has been reinstated and the action will now be remanded back to the lower court for purposes of trial.

Szaferman Lakind's client was diagnosed with mesothelioma in October 2010 and succumbed to the disease three months later. Following our client's death, his widow brought a wrongful death and product liability action against Union Carbide. The evidence showed that our client worked from 1954 to 1994 as a mixer in the mill room of a chemical plant that manufactured adhesive products in Bloomfield New Jersey. There were a number of companies who supplied asbestos fiber to the facility during that time. Union Carbide alone supplied approximately forty tons of asbestos to the facility between 1970 and 1982.



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Nevertheless, the trial court dismissed the action in December 2015, finding that the plaintiff had not presented sufficient evidence that our client was exposed to Union Carbide's asbestos - as opposed to asbestos supplied by other companies - while working at the Bloomfield facility. But the Appellate Division disagreed. Based on the amount of asbestos supplied by Union Carbide, as well as the fact that our client handled asbestos while working at the Bloomfield facility during that time, the Appellate Division reversed the trial court, holding that, "Based on the evidence presented, a reasonable jury could infer the decedent suffered from exposure to Union Carbide's asbestos."

According to Partner, Robert Lytle, "We are pleased with the Appellate Division's decision which enables Szaferman Lakind to continue its pursuit of justice on behalf of our client's estate and his surviving widow."

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Founded in 1977, [Szaferman Lakind](#) is a full-service, Martindale-Hubbell™ AV-Preeminent® law firm that was listed among [U.S. News & World Report™](#)'s *Best Law Firms*®\* in 2014, 2015, 2016 and 2017. Based in Lawrenceville, New Jersey, Szaferman Lakind has 39 attorneys who provide legal representation to businesses, investors, professionals, families and individuals in several areas, among them family law, general and commercial litigation, personal injury, estate and business planning and business law. Tel: 609.275.0400 / [Szaferman.com](#).

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