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## Dallas Attorney Secures Quick Settlement After Winning \$18M Verdict in Talc Asbestos Case

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After winning an \$18 million verdict in an unusual asbestos case, a Dallas attorney hammered out a settlement with cosmetic talc supplier Whittaker Clark & Daniels recently—a move that kept the defendant from facing the potential of even greater damages from a California state jury.

The case was filed by Philip Depoian, a Los Angeles political figure and longtime aide to former mayor Tom Bradley. Following a six-week trial in LA Superior Court, a jury agreed with Depoian's arguments that his mesothelioma cancer was linked to asbestos in Whittaker Clark & Daniels talc on Oct. 19. The jury found that the company was 30 percent liable for Depoian's damages as he had sued several other defendants in his lawsuit.

Depoian alleged at trial that he was exposed to asbestos in talc products at a barber shop where his father worked and through his own use of products that contained Whittaker Clark & Daniels-supplied talc including Old Spice, Clubman, Kings Men and Mennen Shave talc.

Jay Stuemke, a shareholder in Dallas' Simon Greenstone Panatier Bartlett, who represents Depoian, noted that because the jury found that Whittaker Clark & Daniels had acted with malice in marketing its talc products, they were allowed to consider awarding punitive damages under California law. But before a second phase of the trial began, the parties reached a confidential settlement on Wednesday, he said.

"They settled because they didn't want the jury to award punitive damages against them," Stuemke said.

It was a wise move because after the trial, some of the jurors indicated during an attorney poll that they were considering awarding between \$20 million and \$25 million more in punitive damages, Stuemke said.

Douglas Wah, a partner in the Oakland office of Foley & Mansfield who represents Whittaker Clark & Daniels, was not immediately available for comment.

Stuemke said cosmetic talc asbestos litigation is a developing area of tort law.

"This is an exposure that had been unrecognized in a lot of litigation," Stuemke said. "And it was likely an explanation for mesothelioma patients that didn't have any other exposure to asbestos."

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