



And The Defense Wins

Published 4-13-11 by DRI

Jerry Popovich, Brad Bleichner, Scott Goldberg and Vincent Errante



DRI members [Jerry Popovich](#) (Orange County), [Brad Bleichner](#) and [Scott Goldberg](#) (Los Angeles) of **Selman Breitman LLP**, along with national counsel [Vincent Errante](#) of **Darger & Errante** in New York City, won a unanimous defense verdict on behalf of The Pep Boys Manny Moe & Jack of California, in a case in which the plaintiff claimed terminal mesothelioma from asbestos exposure. Plaintiff husband claimed exposure to asbestos from changing numerous large truck brakes he testified were purchased from a Pep Boys store. Plaintiff wife claimed loss of consortium.

The Pep Boys' defense focused on establishing that it did not sell the type of product the plaintiff claimed he purchased. Evidence was also introduced that the plaintiff worked with flue pipe that contained a more dangerous type of asbestos than the type used in brakes.

The trial occurred in the Los Angeles Superior Court before Judge John Shepard Wiley. It lasted five weeks, and after four days of deliberation, the jury returned with a 12-0 verdict in favor of The Pep Boys.

To learn more about DRI, an international membership organization of attorneys defending the interests of business and individuals in civil litigation, visit www.dri.org.