

CUYAHOGA COURT OF APPEALS APPLIES ASBESTOS-REFORM LAW; AFFIRMS JUDGMENT IN FAVOR OF THE GOODYEAR TIRE & RUBBER COMPANY

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In a decision issued February 5, 2009, the Cuyahoga County Court of Appeals, applying a provision contained in asbestos-reform legislation, upheld a judgment in favor of The Goodyear Tire & Rubber Company in an important decision for property owners around the state.

The deceased, whose estate brought this case, was allegedly exposed to asbestos carried home on the clothes of her husband, who worked for Goodyear from 1973 until 1983. She died from mesothelioma on July 23, 2007.

The Court of Appeals held that R.C. 2307.941, enacted in 2004 as part of General Assembly Amended Substitute House Bill 292, required that a plaintiff's exposure to asbestos must have occurred on the owner's property before that property owner can be held liable for such exposure.

"This decision is extremely significant to premises owners in Ohio. In a majority of take home mesothelioma cases, the premises owners are named as defendants,"

said Richard D. Schuster, counsel for Goodyear. "This decision will discourage plaintiffs from bringing take home exposure cases against property owners in Ohio."

The Goodyear Tire & Rubber Company was represented by Richard D. Schuster, Nina I. Webb-Lawton, Gary J. Saalman, Matthew M. Daiker, and Timothy B. McGranor of Vorys, Sater, Seymour and Pease LLP, Columbus, OH.

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