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Nation's First Talc/Asbestos Verdict

For Immediate Release
Thursday, November 16, 2006

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Nation's First Industrial Talc/Asbestos Verdict: New York State-Mined Mineral Used In Ceramics, Paint, Other Manufacturing Caused Harvard Graduate / Pottery Artisan's Mesothelioma Death; R.T. Vanderbilt Company, Incorporated, ("Vanderbilt") Manufacturer Of The Industrial Talc, And Hammill & Gillespie, Inc., The Distributor, Must Pay Compensatory Damages, Jury Finds

For Decades Vanderbilt Claimed Its Industrial Talc Contained Fibers That Only Resemble Deadly Asbestos, But Jury Finds The Vanderbilt Talc Peter Stanley Hirsch Used In His New Jersey Studios Caused Deadly Mesothelioma

Toxic Tort Law Firm Of Levy Phillips & Konigsberg, LLP, Will Seek Punitive Damages When Trial's Second Phase Begins November 28th

NEW BRUNSWICK, N.J. — Industrial talc, an open-pit-mined mineral used in ceramic, paint, and paper manufacturing contains lethal, cancer-causing asbestos fibers responsible for a pottery artisan's fatal mesothelioma, a jury ruled today in the first-ever U.S. verdict connecting industrial talc with asbestos-related cancer, the national toxic tort law firm Levy Phillips & Konigsberg, LLP announced.

More than \$3 million in compensatory damages were awarded by a Middlesex County Superior Court jury to a New Jersey widow whose husband operated pottery studios in Skillman, Lawrenceville and Lambertville, New Jersey before contracting the agonizingly painful, always fatal disease.

After a four-week trial the four-woman, two-man jury rejected claims by R.T. Vanderbilt, Incorporated ("Vanderbilt") that talc from its New York State mines contained fibers that may have looked similar to but were not a lethal form of asbestos, a position that the company has maintained for decades. Hammill & Gillespie, Inc., which sold the industrial talc, was also found liable.

In the next phase of the trial, punitive damages will be sought against the defendants. It is scheduled to begin November 28th before the Hon. Ann G. McCormick, according to Attorney Moshe Maimon, Esq., of Levy Phillips & Konigsberg, LLP who represents the estate of pottery

(More)

artisan Peter Stanley Hirsch.

An active outdoorsman who enjoyed rock climbing, mountain climbing, hiking, sailing and skiing before contracting mesothelioma, Hirsch attended Princeton High School before graduating from Harvard University in 1972 with a degree in Engineering and Applied Physics. Hirsch built the first pottery kiln at Harvard in 1970, as part of an extra-curricular program.

After three years of marketing for a high-tech Princeton-based company, Hirsch started "Rock Brook Pottery," first in Lawrenceville, then in Skillman and finally at the Lace Works, on N.J. Route 29 in Lambertville. After Hirsch closed the Lambertville studio in 1982 he worked in marketing/sales for three other Princeton-area high-tech firms, then as a self-employed organizational and marketing consultant until he was no longer able work, according to court documents and testimony.

Hirsch's exposure to asbestos-contaminated industrial talc occurred during the seven years he operated pottery studios, personally mixing glazes containing Vanderbilt's NYTAL® 100 industrial talc purchased from Hammill & Gillespie, Inc., Livingston, New Jersey, among other sources. Hirsch purchased NYTAL® 100 talc in 50-to-100-pound bags during this period. Each time he opened a bag of Vanderbilt talc, scooped or poured out contents, it generated very fine dust that was suspended in the air until it landed on the floor or Hirsch's clothes, Maimon said.

"This first-ever U.S. verdict finally -- and decisively -- proves that industrial talc from Vanderbilt's New York State mines contains lethal asbestos fibers. New Jersey jurors have sent out a powerful, clear message to Vanderbilt and other companies that mine, mill or market industrial talc. Not only must their own workers be protected from lung disease, end users and others who come into contact with the product must be warned properly of the carcinogenic fibers lurking in this dusty powder used in so many manufacturing applications," Maimon said.

"Vanderbilt should immediately edit its Web site and printed materials to eliminate its claim that New York State industrial talc is safe and has no carcinogenic effects," Maimon added.

In addition to Maimon, Carmen Victoria St. George, Esq., of Levy Phillips & Konigsberg, LLP, and Arnold Lakind, Esq., of Szaferman, Lakind, Blumstein, Blader & Lehmann, P.C., Lawrenceville, New Jersey, represent the plaintiff.

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