



JUNE 12, 2007

PF+C's Bob Cain Prevails In Major Workers' Compensation Asbestosis Case

Roland Pion had worked at the Vermont Asbestos Group, Inc. asbestos mine in Eden, Vermont for some 34 years. He retired from the mine in August, 1994, shortly before the mine operations were closed. Mr. Pion continued to work at odd jobs after that to stay busy, but, in 2004, was forced to stop all work due to increasing difficulty breathing. When Mr. Pion was told by his pulmonologist in 2004 that he had asbestosis, he and his wife turned to PF+C for help.

Bob Cain, PF+C's lead workers' compensation litigator, handled the case for the Pions. In the face of a statute of limitations defense and "scorched earth" defense tactics generally, the Pions recently prevailed, after a four day trial before the Department of Labor. Rejecting the expert testimony of Defendant's two well-traveled asbestos experts, including Dr. John Craighead, who Defendant touted as the world's leading expert in asbestos-related diseases, the DOL rendered a decision strongly in favor of the Pions. The DOL soundly rejected Defendant's claim that Mr. Pion suffered from idiopathic pulmonary fibrosis rather than asbestosis. In its ruling, the DOL made specific note of Defendant's discovery abuses, including the secreting of air quality records.

The DOL's Decision will cost the employer and its workers' compensation carrier over \$475,000. Included in the DOL's Decision is a discretionary award of over \$55,000 in attorneys' fees, and an award of \$33,000 in costs, both of which are well above any prior awards ever rendered by the DOL. Although Mr. Pion passed away from his lung disease in August, 2006, during the thick of the litigation and just two months before the case went to trial, his workers' compensation benefits are inheritable by his Estate, and his widow is entitled to dependent's benefits.