



# A CONTINUING THREAT:

## HOW THE DEADLY LEGACY OF ASBESTOS HAUNTS NAVY VETERANS TODAY

A WHITE PAPER PRESENTED BY



**Gori Julian**  
& ASSOCIATES, P.C.

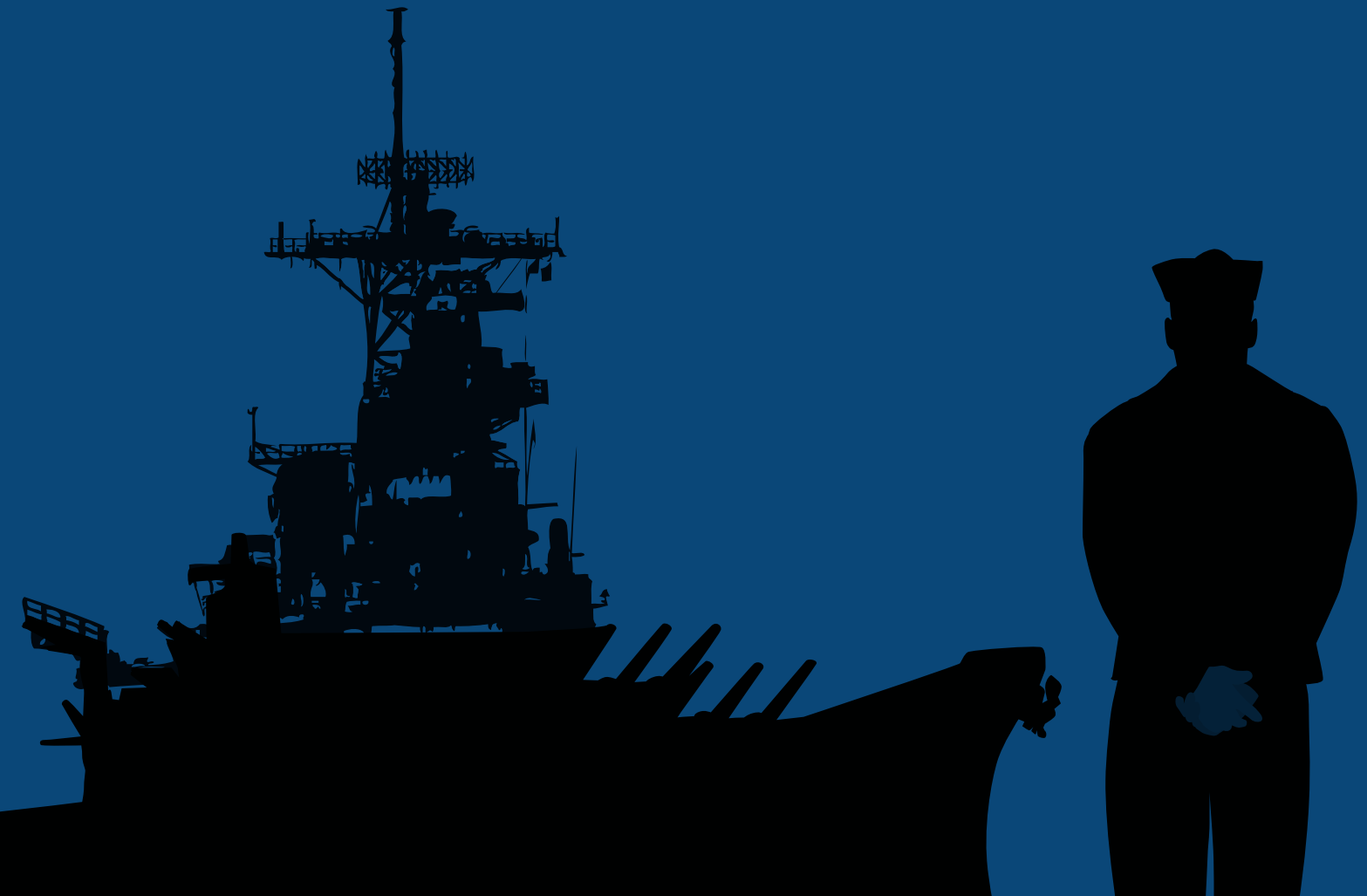
ATTORNEYS AT LAW

## A CONTINUING THREAT:

### How The Deadly Legacy Of Asbestos Haunts Navy Veterans Today

Over the last century, millions of people were exposed to asbestos – many of them U.S. Navy veterans. Some have gone on to develop severe health issues that cut their life short.

**If you or a loved one is suffering from the consequences of asbestos exposure, you have legal rights.** Read on to learn how you can pursue the compensation and accountability you deserve.



## The Danger Of Asbestos And Its Dark History In The U.S. Navy

Asbestos is a naturally occurring fibrous mineral known for its resilience, flexibility, electrical resistance, fireproofing and soundproofing properties. When handled or disturbed, it releases microscopic fibers into the air. These fibers attach to the lining of the lungs, heart and other organs.<sup>1</sup>

**OVER TIME, ASBESTOS EXPOSURE CAN LEAD TO DEADLY HEALTH PROBLEMS, INCLUDING:**

### **MESOTHELIOMA**

(a fatal cancer affecting the lining of the lungs, heart, abdomen and testicles)

### **LUNG CANCER**

### **ASBESTOSIS**

(scarring of the lungs)

### **OTHER LUNG ABNORMALITIES**

(such as pleural plaques and effusions)

Many of these illnesses don't appear until 20 to 50 years after exposure.<sup>2</sup> They may occur suddenly, leaving you with a tragically short prognosis and a haunting reminder of your past.





## What If You Have Already Lost A Loved One To Asbestos?

*Don't give up hope. You may still have time to pursue compensation on your loved one's behalf through a wrongful death claim, administrative claim and/or VA survivor benefits. It may be more difficult to gather evidence in these claims, however, so you should work with a lawyer who can track down the right records and witnesses to build a strong case.*

Navy veterans are especially vulnerable to asbestos-related health problems because of their historically high exposure through shipbuilding, maintenance and repair work. Virtually every naval vessel built before the mid-1980s was heavily laden with asbestos. It was prevalent in products such as gaskets, valves, packing, pumps, boilers, turbines, electrical equipment, pipe coverings and other components.

### **BELOW-DECK AREAS WITH ESPECIALLY HIGH CONCENTRATIONS INCLUDED:**

**ENGINE ROOMS**

**BOILER ROOMS**

**NAVIGATION ROOMS<sup>3</sup>**

### **THE EXPLOSIVE GROWTH OF ASBESTOS USE<sup>4</sup>**

Asbestos consumption worldwide



Asbestos continued to play a prominent role on navy vessels and shipyards throughout the 20th century. Few, if any, precautions were provided by the product manufacturers for handling and disposing of asbestos-containing materials.<sup>5</sup>

The risk of exposure peaked in the 1950s and 60s, but continued well into the late 1970s and early 80s, when cleanup efforts began.<sup>6</sup>

*In one study conducted in 1977 among 6,640 workers at a Navy shipyard in Long Beach, more than 1,000 – approximately one in six – developed lung abnormalities from asbestos exposure.<sup>7</sup>*



## Who Is Most At Risk?

Veterans who worked in shipyards or aboard Navy vessels before the mid-1980s are at risk for developing asbestos-related illnesses. Exposure was highest among those who installed, repaired or removed asbestos-containing materials in cramped and poorly ventilated conditions below deck.

### THE MOST HAZARDOUS OCCUPATIONS INCLUDED:

**MACHINIST'S MATES**

**FIREMEN**

**BOILERMAKERS**

**SHIPWRIGHTS**

**ELECTRICAL FITTERS**

**PAINTERS INVOLVED  
IN STRIPPING LAGGING**

**INSULATORS**

(ladders and sprayers)

**PIPEFITTERS**

**ENGINE FITTERS**

**ELECTRICIANS**

**ENGINEERS**

**COPPERSMITHS**

**JOINERS**

**WELDERS**

**BURNERS<sup>8</sup>**

While continual exposure over years or decades is linked to a higher rate of asbestos-related illness, those with indirect or nonoccupational exposure can also suffer severe health consequences down the road. Navy workers who spent most of their time in office positions or above deck could still be vulnerable. So, too, could family members and household members of shipyard workers.<sup>9</sup>



## What Are Your Legal Options?

After a devastating diagnosis of mesothelioma, lung cancer, asbestosis or other serious asbestos-related illness, you deserve compensation and accountability.

### YOU WILL GENERALLY HAVE THREE LEGAL OPTIONS:

1

**FILE A PERSONAL INJURY LAWSUIT**

2

**FILE AN ADMINISTRATIVE CLAIM AGAINST A TRUST ESTABLISHED FOR VICTIMS OF ASBESTOS EXPOSURE**

3

**FILE FOR VETERANS' BENEFITS**

These options aren't either-or; depending on your circumstances, you may be able to pursue multiple sources of compensation.

## Why Are The Manufacturers Responsible?

These companies should have issued warnings about the dangers of asbestos or quit using it in their products. Ultimately, they were responsible for making and selling dangerous products that hurt millions of people.

### Personal Injury And Administrative Claims: Who Are The Culprits?

*To exercise your right to compensation, you must first identify the culprits behind asbestos exposure. You sue the manufacturers who created and sold these inherently dangerous asbestos-containing materials to the U.S. Navy without warnings.*

## A Key Advantage In Navy Cases

How do you go about pinpointing which products – and which manufacturers – were the source of asbestos exposure that occurred many decades ago? As a Navy veteran, you have a key advantage. The government keeps meticulous public records concerning Navy vessels, shipyards, products, manufacturers and components. With the help of legal investigators, you can easily track down which company was responsible for your exposure.



### Was Asbestos Present In Harmful Forms On The Vessel You Served On?

*Chances are, if the vessel was built before the mid-1980s, you were exposed. Review a [list of Navy vessels known to contain asbestos](#). Even if your vessel isn't on this list, you may still have a claim.*



## Administrative Claims: Getting Compensation From A Victims' Trust

In addition to a personal injury lawsuit, you may be eligible to file administrative claims to asbestos bankruptcy trust funds. Certain product manufacturers were unable to pay their liabilities related to asbestos exposure and sought protection through bankruptcy. The Bankruptcy Courts required these companies to establish trust funds to provide compensation for victims suffering from asbestos related diseases, as well as future victims.

The result is **billions of dollars** for asbestos victims. In order for a trust claim to qualify for payment, evidence of an asbestos related injury is required. In addition, documentation of exposure, medical documentation and other evidence may also be required.



If a claim is considered eligible for payment, the payment amount is still subject to the payment percentage. Since most trusts do not have enough money to pay the full value of all present and future claims, the trusts apply a payment percentage to their claims. The payment percentage is applied in order to ensure that there will be enough money remaining for future claimants, as well. Our attorneys are highly experienced in obtaining maximum values for claims to the asbestos bankruptcy trusts, as well as compensation from litigation. It is important to enlist a law firm with vast experience in litigating asbestos injuries and experience in filing trust claims.

## Another Source Of Compensation: Veterans' Benefits

As a Navy veteran, you have access to a significant source of compensation that nonveterans don't: VA benefits.

### YOU MAY QUALIFY FOR UP TO FOUR DIFFERENT TYPES OF BENEFITS:

#### **DISABILITY COMPENSATION:**

Typically provided on a monthly basis, the amount you receive depends on your circumstances as well as the extent of your service-connected disability, rated on a scale from 0 to 100. Most types of mesothelioma automatically qualify for a disability rating of 100 percent.

#### **HEALTH CARE SERVICES:**

You may be eligible for access to specialized medical care at top-tier VA centers across the country.

#### **AID AND ATTENDANCE: OTHER LUNG ABNORMALITIES**

If you are housebound, bedridden or disabled, and you rely on someone else for your day-to-day care, you may qualify for an additional monthly benefit.

#### **DEPENDENCY AND INDEMNITY:**

Surviving spouses of veterans who passed away due to an asbestos-related illness may be eligible for these benefits, regardless of whether the veteran was receiving benefits during his or her lifetime.



To qualify for these benefits, you must establish that the majority of your asbestos exposure occurred during the course of your military duties. You must also provide the right paperwork and supporting evidence.

## Time Is Of The Essence

The law places firm deadlines (statutes of limitations) on how long you can bring asbestos-related claims. If you wait too long, you could lose all of your rights. For this reason, it's critical to seek legal guidance as soon as you receive a diagnosis.

Another tragic reality is that mesothelioma (and other asbestos-related illnesses) come with their own deadlines. The prognosis for these illnesses is typically dire. You stand the best chance of success if you pursue a claim while you are still well enough to participate in the process.

The road ahead may be difficult, but with the right legal help, you can secure the compensation, justice and accountability you and your loved ones deserve.



## Why Enlist An Attorney?

*The right attorney can help you:*

- ✓ *Identify which manufacturers were responsible for your exposure*
- ✓ *File administrative claims against those with trusts*
- ✓ *Ensure that you get the maximum amount of compensation you're entitled to receive*
- ✓ *Pursue a personal injury lawsuit, if warranted*
- ✓ *Apply for veterans' benefits*

*It's important to work with an attorney who understands the nuances of VA benefits. At Gori Julian & Associates, P.C., we have VA-certified attorneys on staff to assist you.*

## Attorney Profiles



### **RANDY L. GORI**

Attorney Randy L. Gori is a partner at Gori Julian & Associates, P.C. Mr. Gori has nearly 20 years of experience fighting for justice on behalf of asbestos victims nationwide. He is licensed in state and federal courts of Missouri and Illinois.

Driven by a passion for helping victims obtain the compensation they deserve, Mr. Gori has become a leading attorney in this niche area. He has spoken extensively on asbestos litigation at seminars and conferences. In addition to being selected for inclusion in Illinois Super Lawyers for multiple years, Mr. Gori has been recognized among the National Trial Lawyers Top 100 Trial Lawyers and the American Society of Legal Advocates Top 100 Litigation Lawyers. He is a life member of the Million Dollar Advocates Forum and the Multi-Million Dollar Advocates Forum, and he has earned a "Superb" rating on Avvo.

Together with other attorneys at the firm, Mr. Gori has secured more than \$2 billion in verdicts and settlements for injury victims.

**Super Lawyers**



### **SARA M. SALGER**

Attorney Sara M. Salger has spent her entire career at Gori Julian & Associates, P.C., where she has built a respected practice focusing on mesothelioma, lung cancer and asbestos litigation. A graduate of St. Louis University School of Law, she is licensed to practice in Missouri and Illinois.

Ms. Salger understands the intricate legal, medical and emotional factors at play in asbestos cases. She maintains a commitment to excellence in helping victims recover the maximum compensation they deserve.

Drawing on a wealth of knowledge in this complex field, Ms. Salger has delivered multiple presentations on asbestos litigation. Her dedication has earned her recognition among Super Lawyers Rising Stars and The National Trial Lawyers Top 40 Under 40.

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## SOURCES

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<sup>2</sup> Irving J. Selikoff, Ruth Lillis and William J. Nicholson, "Asbestos Disease in United States Shipyards," *Annals of the New York Academy of Sciences* 295-311, 295 (1979), available at <http://onlinelibrary.wiley.com/doi/10.1111/j.1749-6632.1979.tb18732.x/epdf>

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<sup>7</sup> *Supra* n.5 at 7

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<sup>9</sup> Kaye H. Kilburn, MD, et al., "Asbestos Disease in Family Contacts of Shipyard Workers," *American Journal of Public Health*, 75:6, 615-617, 615 (June 1985), available at <http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.75.6.615>



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