

Recent Cases

The following are examples of cases our lawyers have recently settled.

Mesothelioma tracked back to childhood

The problem

A professional man developed mesothelioma in his mid forties. Asbestos exposure is the only cause of mesothelioma but the victim had no recollection of coming into contact with it.

The resolution

Slater & Gordon tracked the victim's mesothelioma and thus his exposure to asbestos back to his childhood when he had folded hessian bags in exchange for pocket money from his father who was a commercial green grocer. After extensive investigations, Slater & Gordon was eventually able to prove that the father had only bought the bags from one particular bag merchant who, in turn, had only bought the Hessian bags second hand from James Hardie. The victim was exposed to asbestos residue in the bags.

The outcome

After 6 days in the Supreme Court, the defendant saw sense and settled the mesothelioma claim for a figure in excess of \$500,000.

Mesothelioma linked to department store

The problem

A 63 year-old-woman, a former demonstrator at a major department store, was diagnosed with mesothelioma, a malignant cancer that can only be caused by asbestos exposure.

Our client had absolutely no idea where she had been exposed to the asbestos that caused her cancer.

The resolution

Slater & Gordon's asbestos team had previously acted for a former carpet layer with mesothelioma, who had also worked at the department store but who, like our current client, had not been aware where he had been exposed to asbestos.

Through extensive investigation and research, Slater & Gordon lawyers were able to establish that a lot of renovation work had been undertaken at the department store in the 1960s and 1970s, which had involved the disturbance of asbestos lagging.

This information enabled us to determine that our current client was exposed to asbestos through the dispersion of disturbed fibres through the air-conditioning system in the store.

The outcome

A claim was lodged against the department store for damages for pain and suffering, loss of enjoyment of life and medical and like expenses. Although the department store maintained a denial of liability, the mesothelioma claim was settled out of court on a confidential basis.

Smoker gets asbestos payout for lung cancer

The problem

In 2004, a 62 year-old man consulted Slater & Gordon after being diagnosed with lung cancer. He had been exposed to asbestos while working as a labourer and truck driver for a number of different employers. He commenced smoking at age 21 and smoked an average of 40-60 cigarettes per day until 1999.

The resolution

Slater & Gordon led medical evidence that asbestos exposure and smoking interacted to cause lung cancer. This overcame the risk that the defendant asbestos manufacturer would try to avoid compensating our client by blaming his injury on his tobacco smoking.

The outcome

Slater & Gordon facilitated a bedside hearing before the lung cancer took our client's life. His wife received the substantial settlement payout.

Lung cancer victim passes before payout is issued

The problem

A 68 year old man with lung cancer and radiological evidence of non-malignant asbestos-related conditions consulted Slater & Gordon. Our client was exposed to asbestos during his work for a former state government instrumentality. He died shortly after his claim was filed.

The resolution

Our client had a heavy smoking history and had been exposed to asbestos in the United Kingdom, as well as at his workplace. The defendant disputed whether the client had asbestosis and eventually made an offer of \$100,000. Slater & Gordon vigorously pursued proof of asbestosis on our client's behalf.

The outcome

The defendant finally conceded that our client had asbestosis and made an offer of \$200,000. The defendant imposed a very tight deadline for acceptance of their next offer of \$235,000. Slater & Gordon managed to have the deadline extended twice, and the grief-stricken widow accepted the offer, over twice the amount first offered.

Asbestosis victim linked to James Hardie

The problem

A 60-year-old man with asbestosis consulted Slater & Gordon. He had been receiving a disability pension for many years for an unrelated condition. Our client had worked at a James Hardie factory for two years as a teenager, 45 years before his diagnosis. He had no other exposure to asbestos.

The resolution

The defendant had no employment records and did not admit that it had employed our client. Slater & Gordon obtained statements from two of our client's former workmates. The defendant finally admitted to the employment.

The outcome

The matter was settled for \$125,000.

Mesothelioma takes officer of the Royal Australian Navy

The problem

A 78-year-old man who was exposed to asbestos in the course of his service with the Royal Australian Navy was diagnosed with malignant mesothelioma.

The resolution

Slater & Gordon investigated our client's entitlement to compensation claim under the *Safety, Rehabilitation and Compensation Act* and the *Defence Act*.

The outcome

A claim was lodged with the Military Compensation & Rehabilitation Service together with medical evidence supporting a link between our client's mesothelioma and his exposure to asbestos while serving in the Royal Australian Navy.

The claim was successful. Due to the severe level of impairment caused by our client's mesothelioma, he was awarded \$254,000.