

## CHRISTOPHER N. SANTORO

SENIOR COUNSEL



### AREAS OF PRACTICE

Environmental & Toxic Tort Litigation  
Product Liability  
Automobile Liability  
Architectural, Engineering & Construction  
Defect Litigation  
Health Care Liability  
Property Litigation  
General Liability  
Property Litigation

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Philadelphia, PA 19103

### ADMISSIONS

Pennsylvania  
1984

U.S. District Court Eastern District  
of Pennsylvania

U.S. District Court Western District  
of Pennsylvania

### EDUCATION

Temple University School of Law  
(J.D., 1984)

La Salle University (B.A., cum  
laude, 1981)

### HONORS & AWARDS

American Board of Trial Advocates

AV® Preeminent™ by Martindale-  
Hubbell®

The Best Lawyers in America®,  
Product Liability Litigation -  
Defendants  
2023-2025

Pennsylvania Super Lawyers  
2006-2007, 2018-2019

### OVERVIEW

Chris has over 30 years of litigation experience handling major casualty, toxic tort, and product liability matters. He has significant experience in handling toxic tort matters involving exposure to alleged hazardous substances and has successfully defended major corporations in hundreds of cases at the trial level. Since joining Marshall Dennehey in 2002, Chris has expanded his practice to handling matters involving asbestos, silica, vinyl chloride, benzene, lead, cadmium, legionella, various dusts, lubricants, and other allegedly hazardous materials. He continues to be an active trial lawyer and has tried over 150 jury trials to verdict.

Chris began his career as an associate at Krusen Evans & Byrne and settled upon a defense practice focusing on product liability, personal injury, property damage, and toxic tort matters. He gained experience handling a wide variety of matters and tried numerous jury trials to verdict.

In 1989, Chris was instrumental in forming a firm that concentrated in toxic tort matters, and the firm quickly established itself as one of the leading firms in asbestos litigation. He served as the managing partner for eleven years. The firm rapidly grew under his leadership. It was during this time that Chris concentrated his practice in the field of toxic torts and quickly became one of the most active and successful toxic tort trial lawyers. Representing Owens Corning, he served as lead trial counsel in the Philadelphia area asbestos litigation. In addition, he participated in the development of strategies and techniques for the handling of complex, multi-party toxic tort litigation.

While at Marshall Dennehey, Chris has tried numerous cases to verdict with all but two (2) resulting in defense verdicts. One plaintiff's verdict was overturned by the Pennsylvania Superior Court and the grant of a new trial affirmed by an En Banc Panel of the Pennsylvania Superior Court.

At the request of various clients, Chris has organized and/or given presentations at various seminars. In addition, he has lectured on a variety of topics involving trial techniques and has participated in numerous CLE seminars.

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## ASSOCIATIONS & MEMBERSHIPS

American Bar Association

American Board of Trial Advocates, Diplomat

Disciplinary Board of the Supreme Court of Pennsylvania, Hearing Committee Member

Pennsylvania Bar Association

Pennsylvania Defense Institute

Philadelphia Bar Association

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## YEAR JOINED

2002

## CLASSES/SEMINARS TAUGHT

*Defending Household Exposure Cases*, Mealey's National Asbestos SuperConference, Phoenix, AZ, September 2008

*Defending Toxic Tort Cases*, AIG Environmental Unit, New York, NY, November 2007

*Silca Litigation and Assembly Line Diagnosing*, AIG Domestic Claims Toxic Tort Unit, May 2006

*Opening Statements*, Marshall Dennehey Trial Advocacy Class, May 2006

*Trying The Automobile Brake Case*, Goodyear Tire & Rubber National Counsel Meeting, San Diego, CA, October 2005

*Cross Examination*, Marshall Dennehey Trial Advocacy Class, October 2005 and October 2006

## PUBLISHED WORKS

"Tooley Is Not Just a Bunch of 'Hooley'— Practical Tactics for Defending an Employer in the Realm of Toxic Tort Litigation," *Defense Digest*, Vol. 20, No. 3, September 2014, co-author

"The Dose Is the Poison --The Pennsylvania Supreme Court Questions the 'Each and Every Breath' or 'Any Exposure' Theory," *Defense Digest*, Vol. 14, No. 2, June 2008

"Assumption of Risk in Product Liability," *Counterpoint*, April 1989

## RESULTS

**After nine-week trial, unanimous defense verdict in asbestos case where \$40 million in damages had been sought.**

### Asbestos & Mass Tort Litigation

**March 23, 2022**

We obtained a unanimous defense verdict after a nine-week trial in Suffolk County, New York, where the plaintiff's counsel requested that the jury award \$40 million in damages. The plaintiff was 51 years old when she was diagnosed with peritoneal mesothelioma, allegedly as a result of being exposed to asbestos-containing joint compound manufactured and sold by our client. The plaintiff, who was 56 at the time of trial, testified that she had little or no knowledge of ever being exposed to asbestos.

**Voluntary dismissal of client in asbestos mesothelioma case.**

### Asbestos & Mass Tort Litigation

**December 2, 2021**

Our attorneys secured a voluntary dismissal on behalf of an aircraft parts supplier in an asbestos mesothelioma case. The plaintiff alleged he was diagnosed with mesothelioma as a result of exposure to numerous asbestos products while doing home renovation work with his father in the 1940s; while in the U.S. Air Force working as an aircraft mechanic between 1953 to 1957; as a self-employed painter between 1958 and 1960; and as a civilian aircraft maintenance crew chief at the Willow Grove Air Force Base between 1959 to 1968.

**Unanimous defense verdict in asbestos trial in New Mexico. Plaintiff sought nearly \$40 million in damages.**

### Asbestos & Mass Tort Litigation

**April 13, 2020**

We obtained a unanimous 12-0 defense verdict after a two-week trial in Santa Fe County, New Mexico, where the plaintiff was seeking approximately \$40 million in damages. In this asbestos litigation case, it was alleged that the decedent contracted mesothelioma and died at the age of 76 as a result of being exposed to asbestos-containing joint compound manufactured and sold by our client.

## SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a unanimous defense verdict after a nine week trial in Suffolk County, New York, where the plaintiff's counsel requested that the jury award \$40 million in damages. The plaintiff was 51 years old when she was diagnosed with peritoneal mesothelioma allegedly as a result of being exposed to asbestos containing joint compound manufactured and sold by our client. Plaintiff who was 56 at the time of trial, testified that she had little or no knowledge of ever being exposed to asbestos. However, her older sister, who served as the only product identification witness at trial, testified that she recalled that their father used asbestos containing joint compound on two

occasions, approximately fifty years ago when he repaired their home after a fire in 1970 and when he built a home in Florida around 1975. Plaintiff was five and ten years old respectively during the alleged exposures and plaintiff's sister was seven years older. Plaintiff's sister testified that she had a vivid memory of her father using six different joint compounds during the two projects, including our client's product. She also testified that the plaintiff was present hundreds of times when their father mixed, applied and sanded the joint compound. At trial, we called an industrial hygienist, a toxicologist and an epidemiologist who testified that the type of asbestos fiber used in our client's joint compound did not cause or contribute to her mesothelioma, because the fibers are too short and do not cause disease. Our epidemiologist testified that plaintiff's mesothelioma developed spontaneously and was not the result of asbestos exposure. We also called a construction expert, who testified that the sister's testimony regarding the amount of joint compound used and the time the sister was exposed were excessive. The jury deliberated an hour before returning the verdict. Post-trial comments from jurors indicated they did not find the sister to be credible.

Obtained a voluntary dismissal on behalf of an aircraft parts supplier in an asbestos mesothelioma case. The plaintiff alleged he was diagnosed with mesothelioma as a result of exposure to numerous asbestos products while doing home renovation work with his father in the 1940s, while in the U.S. Air Force working as an aircraft mechanic between 1953 to 1957, as a self-employed painter between 1958 and 1960, as a civilian aircraft maintenance crew chief at the Willow Grove Air Force Base between 1959 to 1968, and non-occupationally doing automotive and home repair work. The plaintiff contended our client was the exclusive supplier of asbestos-containing fire sleeves for military aircraft hose assemblies that he worked with almost on a daily basis while at Willow Grove. Based upon the plaintiff's description of the product during his trial video and discovery depositions, our client took the position that the product could not have been supplied by them. All other defendants either settled or were dismissed, and our client took a no-pay position. As the case neared trial, plaintiff's counsel presented his evidence as to why the product identified by the plaintiff was accurate and, therefore, why we should settle the case. Through a combination of the plaintiff's testimony, our witness's prior testimony, select portions of catalog pages and drawings from the aircraft the plaintiff worked on, and catalog pages from our client's catalogs, plaintiff's counsel was persuaded to voluntarily dismiss our client shortly before trial was to begin in the United States District Court for the Eastern District of Pennsylvania.

Obtained a unanimous 12-0 defense verdict after a two week trial in Santa Fe County, New Mexico, where the plaintiff was seeking approximately \$40 million in damages. In this asbestos litigation case, it was alleged that the decedent contracted and died at the age of 76 from mesothelioma as a result of being exposed to asbestos-containing joint compound manufactured and sold by our client. The decedent worked as an electrician for 40 years and contended he worked in the vicinity of drywall workers at various commercial worksites throughout Albuquerque and New Mexico. The plaintiff contended that our client's joint compound was defective because it was sold without a warning of the well-established dangers of asbestos. Further, the plaintiff argued that our client was negligent, because it knew or should have known of the dangers of asbestos that were readily available from as early as the 1930s. The defense argued that the asbestos fiber used in our client's joint compound was safe, because the fibers were short fibers and not known to increase the risk of disease. It was further argued that our client acted reasonably and in a timely manner, when it placed a government-mandated warning on their product in the early 1970s. Lastly, it was argued that the only product identification witness called by the plaintiff was not credible, because he gave three depositions in 2017 and did not identify our client's product. He first identified our client's product during his fourth deposition in late 2019, when our client was the only remaining defendant. The jury found our client's product was not defective, but that they were negligent. However, the jury found the negligence was not a cause of the decedent's mesothelioma.

**Defense verdicts for welding rod manufacturers in cases involving alleged exposure to asbestos, including:**

Defense verdict for a welding rod manufacturer following a two week trial in Philadelphia County before Judge Ramy I. Djerassi. The plaintiff alleged her decedent husband, who died at the age of 77, contracted lung cancer as a result of being exposed to asbestos from welding rods manufactured by our clients. The decedent was a former smoker, quitting 50 years ago but he was diagnosed with emphysema. The jury returned a defense verdict after deliberating for 50 minutes. (*The Estate of Stephen Matkowsky v. Airco*).

Defense verdict for a manufacturer of welding supplies following a trial before Judge Ramy I. Djerassi in the Philadelphia County Court of Common Pleas. The plaintiff alleged her decedent husband, who died at the age of 59, contracted colon cancer as a result of being exposed to asbestos from welding blankets manufactured by our client. The defense argued that there is no medical or scientific causation between asbestos exposure and colon cancer and that it was the decedent's family history of colon cancer and lack of screening which caused his condition. The jury of 12 returned a unanimous defense verdict. (*The Estate of Louis Goll v. Airco*).

Defense verdict in a jury trial before Judge Esther Sylvester in the Philadelphia County Court of Common Pleas. The 72 year old living plaintiff claimed he developed lung cancer as a result of working with welding rods manufactured by Lincoln Electric Company, Hobart Brothers and Airco. As a result of his cancer, the plaintiff had his left lung removed and had multiple post operative complications. The defendants claimed that their welding rods did not release asbestos fibers and their products did not contribute to the plaintiff's lung cancer. The jury was charged that if they found that the defendants' products contained asbestos that, as a matter of law, they must find that the product was defective. After two hours of deliberations, the jury in a 10 to 2 decision, found that all three of the defendants' products contained asbestos, but that they were not defective. (*Donald Dimmick v. Airco*).

Defense verdict in a case tried before Judge John Herron, Administrative Judge of the Complex Litigation Center in the Philadelphia County Court of Common Pleas. Plaintiff alleged her decedent husband contracted lung cancer as a result of being exposed to asbestos from welding rods manufactured by Lincoln Electric Company and Hobart Brothers, while welding when he worked as a maintenance mechanic. Plaintiff was 70 years old when he died. The defense was that welding rods do not release free asbestos fibers and that the decedent's lung cancer was caused by his heavy history of smoking cigarettes. The jury returned a defense verdict in 22 minutes. (*The Estate of Stephen Fitzpatrick v. Lincoln Electric Company*).

Defense verdict in a case tried before Judge Norman Ackerman in the Philadelphia County Court of Common Pleas. Plaintiff contended he was symptomatic with shortness of breath and had pulmonary function abnormalities as a result of pleural plaques he developed while working with asbestos containing welding rods. The case was tried reverse bifurcated and during the first phase the defense argued that pleural plaques are a benign condition that do not cause symptoms. The jury found in favor of the plaintiff and awarded him \$150,000 and \$0 on the spouse's loss of consortium claim. During the second phase the defense argued that welding rods do not release respirable fibers and any asbestos related condition the plaintiff developed was caused by exposure to other asbestos containing products. At the conclusion of phase II, the jury returned a unanimous verdict in favor of the defense. (*David Myers v. Lincoln Electric Company*).

Defense verdict in a case tried before Judge George Overton in the Philadelphia County Court of Common Pleas, involving a 71 year old gentleman who worked as a plumber and auto mechanic and did welding several hours a week over a 25 year period. He contended that he developed mesothelioma and died as result of his work with welding rods which contained asbestos. The case was tried reverse bifurcated and the defense did not dispute that the mesothelioma was caused by asbestos in the first phase of the case. The jury returned a damage verdict of \$365,000. In the liability phase of the trial, the welding rod defendants were the only defendants that chose to defend their product and contended that welding rods do not release asbestos fibers that are respirable and the mesothelioma was caused by extensive exposure to asbestos insulation products and not welding rods. Both phases of the case took two weeks to try and at the conclusion of the second phase of the case, the jury returned a defense verdict after deliberating just 30 minutes. (*Estate of Rollin Bankes v. Hobart Brothers*).

Defense verdict in a case tried before Judge Eugene Maier in the Philadelphia County Court of Common Pleas involving a 63 year old Septa mechanic who contended that he developed lung cancer and died as a result of working with welding rods which contained asbestos. The defense contended that the lung cancer was caused by the decedent's long history of smoking, including continuing to smoke after he was diagnosed with the lung cancer. The case was tried reverse bifurcated and after 40 minutes the jury returned a verdict for the defense after the first phase of the case. (*Orlando Williams v. Airco*).

Defense verdict after a three week jury trial in front of Judge Stephen Baratta in the Northampton County Court of Common Pleas. Plaintiff alleged that he had developed mesothelioma, a cancer of the lining of the lung that is almost exclusively caused by asbestos, as a result of working with welding rods manufactured by our client The Lincoln Electric Company. Plaintiff was 80 years old at the time of trial. The theory was that the flux coating on welding rods when manipulated released respirable asbestos fibers into the air which the plaintiff inhaled over many years while working as a steamfitter from 1950's until the 1970's. On the eve of trial, plaintiff produced two cans of Lincoln asbestos containing welding rods that he contended were removed from a jobsite over thirty years ago and stored in his garage. Lincoln's defense was that because the asbestos in the flux coating is encapsulated in a sodium silicate binder that it was not possible that fibers of the proper size and shape could be released and inhaled by the plaintiff. In support of the defense an expert witness in fracture mechanics from MIT was called, as well as a certified industrial hygienist and a pulmonology expert. After deliberating for about seven hours, the jury returned an unanimous verdict in favor of Lincoln. (*Michael Messinger v. Lincoln Electric Company*).

**Other representative matters:**

*Dooley v. Bondex*. Reverse bifurcated trial before Judge Victor DiNubile in the Philadelphia County

Court of Common Pleas. Plaintiff/Decedent died at the age of 84 as a result of pleural mesothelioma he alleged was caused by his work with asbestos containing products, including Bondex joint compound, primarily while performing home repairs and renovations. The decedent was a high ranking union official with the United Brotherhood of Carpenters and Joiners of America Local 454. Plaintiff's counsel made a mid six figure demand prior to trial. A favorable settlement was reached while the jury was deliberating after phase I when plaintiff's counsel accepted what had been offered prior to trial.

*Davis v. Goodyear.* Obtained a defense verdict for Goodyear Tire and Rubber, after a three week jury trial in the Philadelphia Court of Common Pleas before Judge Stephen Levin. Plaintiff contended that he developed lung cancer and asbestosis as a result of working with asbestos containing brakes that he allegedly purchased at Goodyear service centers over a period of many years. Plaintiff had surgery in 2003 where half of his lung was removed. He was 72 years old at the time of trial and plaintiff's expert pulmonologist opined that the plaintiff's prognosis was poor and most likely would not survive five years after the surgery. Goodyear contended that plaintiff could not have purchased brakes from them, because they were not a retailer of automotive parts and do not sell to the general public. Rather, they operate service centers where they install all parts that they sell. During the first phase of the reverse bifurcated trial, the defense contended that plaintiff did not have asbestosis and his lung cancer was caused by a long cigarette smoking history, although the plaintiff had stopped smoking 10 years before his diagnosis. After deliberating for two days, the jury returned a defense verdict. It was the first asbestos case in the country where Goodyear had gone to verdict.

*Roth v. Kaiser Gypsum.* Plaintiff contended that he developed and died as a result developing pleural mesothelioma from working with various asbestos containing product including wall board manufactured by Kaiser Gypsum. The case was tried reverse bifurcated before Judge Alex Bonivita in the Philadelphia County Court of Common Pleas. Plaintiff's counsel settlement demand was in the low six figures with approximately ten shares in the case. After phase I the jury returned a verdict in favor of the plaintiff for \$200,000. A favorable settlement was reached after phase I.

*Bednar v. DAP.* Defense verdict obtained in a trial before Judge Ricardo Jackson in the Philadelphia County Court of Common Pleas. Plaintiff alleged that he developed and died at the age of 43 as a result of peritoneal mesothelioma. It was contended that the decedent was exposed to various asbestos containing products, including asbestos containing caulk manufactured by DAP, which were a substantial factor in the cause of the decedent's disease. The defense contended that the chrysotile asbestos to which plaintiff was exposed was not a cause of the peritoneal mesothelioma. The case was tried reverse bifurcated and after phase I the jury returned a verdict in favor of the defense, finding that the decedent's mesothelioma was not caused by his asbestos exposure.

*Engro v. Pep Boys.* In a reverse bifurcated trial, tried before Judge Richard Glazer in the Philadelphia County Court of Common Pleas it was contended that the decedent contracted pleural mesothelioma as a result of his exposure to asbestos while performing brake changes on his personal vehicles. It was alleged that the brakes were purchased at various Pep Boys' stores. Prior to trial plaintiff's counsel issued a mid-six figure settlement demand. After phase I the jury returned a verdict in favor of the plaintiff for \$400,000. A favorable settlement was reached after phase I.

## **REPRESENTATIVE CASES**

*O'Kane v. Safeway Steel Products, Inc.*, 1988 WL 54024 (Fed Dist Low ATL PA 3 1988)

*Golden v. Williard Co.*, 521 Pa. 528, 557 A.2d (1989)

*Bittinger v. Owens-Corning Fiberglass Corp.*, 1986 WL 14195 (E.D.Pa 1986)