



## \$399,000 in Asbestos-Exposure Suit

**Switzer v. Polychrome Corp.:** The widow of a man who died after exposure to asbestos-covered pipes at work settled a worker's compensation claim on Dec. 6 for \$399,000.

Dennis Switzer of Colonia was a heating and air conditioning mechanic at Polychrome Corp. in Clark for 20 years. In early 2001, he developed a cough and shortness of breath.

He died at age 49 on March 5, 2001, a week after being admitted to a hospital. His death certificate indicated he died of cardiopulmonary arrest due to respiratory failure and pneumonia, with metastatic lung cancer listed as a contributing condition.

Soon after the plant closed. Switzer's widow, Annemarie, brought a worker's compensation claim asserting that he died due to longtime exposure to asbestos on the job. The company denied that the plant, which manufactured graphic arts film, contained asbestos.

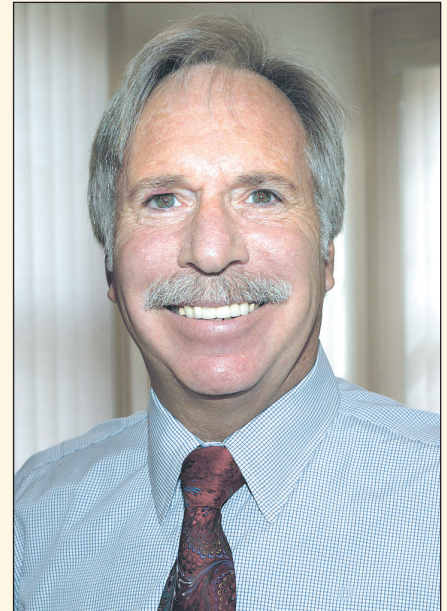
The plaintiff's attorney, **Craig**

**Livingston of Livingston, Siegel & DiMarzio** in Nutley, obtained testimony from a former co-worker of the decedent, Kevin Blatt, who said he and Switzer routinely worked on pipes covered with flaking, white material that resembled plaster. Blatt said Polychrome never warned its workers about asbestos but he learned from training at a subsequent job that the pipes at the plant were covered with asbestos.

Although Switzer was diagnosed with lung cancer during his final hospitalization, no lung tissue samples or X-rays were taken, and he was cremated, Livingston says.

But a medical expert for the petitioner testified that Switzer's lung fluid was consistent with asbestos exposure, and a defense doctor agreed that occupational asbestos might be responsible for Switzer's death.

On March 25, after a five-day trial, Workers' Compensation Judge **J. Randall Corman** awarded \$3,500 in



**A CO-WORKER'S HELP:** Craig Livingston got testimony from an employee who backed up a claim that his colleague routinely worked near asbestos.

funeral benefits, \$169,450 in back pay and \$518,700 in front pay to Switzer's widow, for a total of \$691,650.

But she ended up settling for \$399,000 in a lump sum in exchange for the company's agreement to drop its appeal.

The lawyer for the defendant, **Angelo Giacchi of Tompkins, McGuire, Wachenfeld & Barry** in Newark, did not return a call.

— *By Charles Toutant*