

## And The Defense Wins

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### Edward McCambridge and Jason Eckerly



DRI members [Edward McCambridge](#) and [Jason Eckerly](#), shareholders in **Segal McCambridge Singer & Mahoney's** Chicago office, successfully appealed a trial court verdict in *Kinseth v. Weil-McLain, et al.*, on behalf of their client, Weil-McLain. Plaintiff had been awarded \$4 million in compensatory damages at trial (with Weil-McLain having been found 25 percent at fault) and \$2.5 million in punitive damages. On June 1, 2018, the Supreme Court of Iowa issued a unanimous decision in favor of Weil-McLain, upholding the Court of Appeals' reversal of the trial court's verdict and remanding the case for a new trial.

Plaintiffs Kinseth and his wife brought claims of negligence, product liability, and breach of implied warranty of merchantability against 42 companies based on claims that the eventual death of Kinseth resulted from exposure to asbestos rope and cement used during his work in the heating and plumbing industry during which he worked with boilers. Eventually, only Weil-McLain remained a defendant at trial. On appeal, Weil-McLain pointed to statements made by plaintiffs' counsel during closing arguments that violated defense counsel's motions in limine and argued that the motions for mistrial that they brought should have been granted at that time. The court agreed with counsel for Weil-McLain that, in fact, defense counsel's motion in limine had been violated and further determined that plaintiffs' counsel engaged in improper closing statements.

The case is *Shari Kinseth, et al. v. Weil-McLain*, case number 15-0943, in the Supreme Court of Iowa.

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