

## And The Defense Wins

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On November 15 2017, DRI members [Jephtha F. Barbour](#) and [Austin C. Sherman](#), of the Jacksonville, Florida, law firm **Marks Gray, P.A.**, obtained a defense verdict in a wrongful death case, *Phyllis Brantum, as the Personal Representative of the Estate of Lonnie Brantum v. Waste Pro of Florida, Inc.*, involving alleged chemical exposure to benzene. The case was tried in Tallahassee, Florida.

The plaintiff, surviving spouse, claimed that defendant negligently exposed her husband to benzene and benzene-containing products, and failed to train and warn him about benzene exposure during his two year employment as a diesel mechanic with Waste Pro of Florida, Inc., and that this exposure caused him to develop and die from Acute Myelogenous Leukemia (AML) at age 53. The defense maintained there was no evidence that the products used by the deceased during his employment contained benzene and that Waste Pro complied with all state and federal regulations, and industry practices, associated with chemical exposure in the workplace. Additionally, the defense offered expert testimony that the type of AML the deceased suffered from was not a type of AML that resulted from benzene exposure; that the deceased had not worked at Waste Pro long enough to meet the latency period associated with developing AML; and that even if the deceased was exposed to benzene, he was not exposed sufficient quantities of benzene to cause AML in the time he was employed by Waste Pro.

The plaintiff's attorney asked for over \$3,000,000 for economic and non-economic damages in his closing argument. After 30 minutes of deliberations, the jury of five women and one man, returned a verdict in favor of the defendant, finding no negligence on the part of Waste Pro of Florida, Inc.

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