



Alerts

Ohio Supreme Court Bars All Tort Liability Against Ohio Premises Owners Where the Asbestos Exposure Did Not Occur at the Owner's Property

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Toxic Tort Alert

The Ohio Supreme Court recently held that a premises owner is not liable in tort for claims arising from asbestos exposure originating from asbestos on the owner's property, unless the exposure actually occurred at the owner's property. *Boley v. Goodyear Tire & Rubber Co.*, Slip Opinion No. 2010-Ohio-2550 (June 10, 2010) (To view the case, click on [Download PDF](#)). As a result, essentially all take-home/household asbestos exposure cases will be barred from proceeding against premises owner defendants in Ohio.

Plaintiff alleged that Mary Adams was exposed to asbestos when she laundered her husband's work clothes inside the family home. As a result of Ms. Adams' exposure to asbestos dust, she developed mesothelioma cancer. Ms. Adams' husband, Clayton, worked as a pipefitter for the Goodyear Tire & Rubber Co. (Goodyear) at its St. Marys, Ohio, facility from 1973 to 1983. His occupational exposure to asbestos at Goodyear caused him to bring asbestos dust home with him on his work clothes.

Goodyear moved for summary judgment based on Ohio Revised Code Section 2307.941(A)(1), arguing that a plain reading of the statute mandates that premises owners are "not liable for any injury to any individual resulting from asbestos exposure unless the individual's alleged exposure occurred while the individual was at the premises owner's property." Plaintiff argued that Section 2307.941(A)(1) did not apply to her claim because it pertained only to asbestos exposure occurring on the premises owner's property, and Ms. Adams' exposure to asbestos took place at home rather than on Goodyear's property. Plaintiff also argued that Section 2307.941(A)(1) did not apply to "take-home" asbestos exposure. The trial court granted summary judgment in favor of Goodyear. The Ohio appellate court affirmed.

On appeal, the Ohio Supreme Court was asked to consider whether Section 2307.941(A)(1) applied to *all* claims by individuals seeking to recover from premises owners for asbestos exposure originating from asbestos on the owner's property. The Court looked to the legislative intent of Section 2307.941(A)(1), and stated, "when its meaning is clear and unambiguous, we apply the statute as written." The Court determined that the legislative intent behind Section 2307.941(A) was clear in that it barred tort liability for asbestos claims

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developed from exposure that did not occur at the premises owner's property. The term "asbestos claim" as used in the statute is defined as "any claim for damages, losses, indemnification, contribution, or other relief arising out of, based on, or in any way related to asbestos." The Court consequently found that the Ohio General Assembly clearly intended to limit the liability of a premises owner to instances where the exposure occurred only at its property. As such, because Ms. Adams' exposure to asbestos did not occur at Goodyear's property, Ohio law precluded any liability in tort against Goodyear.

For more information, please contact [Craig T. Liljestrand](#) or your regular [Hinshaw attorney](#).

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