



TALC LITIGATION CONFERENCE

The Midland Hotel, Chicago | June 4, 2026

Landscape of Punitive Damages



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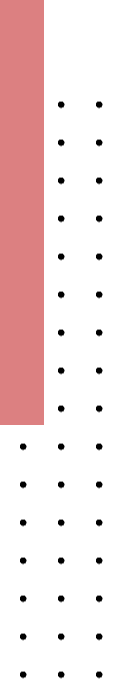
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PUNITIVE DAMAGES

A THREE-HEADED
MONSTER



jury

LEX ET IUSTITIA

trial
judge

appellate court



JURY VERDICTS

SECTION 1

VERDICTS 2024-2026

#	Date	Plaintiff	Primary defendant	St.	Comp.	Punitive	Total	Post-trial status
1	May 2026	Heyer (Daniel & Nicole)	Vi-Jon	MN	\$10.2M	–	\$10.2M	Recent verdict
2	Mar 2026	Flores Soto (est.)	Port Jervis Labs	CA	\$12.75M	–	\$12.75M	Recent verdict
3	Dec 2025	Craft	J&J	MD	\$59.84M	\$1.5B	\$1.56B	Appeal pending – record punitive
4	Dec 2025	Carley	J&J	MN	\$65.5M	–	\$65.5M	Largest MN asbestos verdict
5	Oct 2025	Casaretto (est.)	J&J	FL	\$20M	–	\$20M	No punitive sought
6	Oct 2025	Moore (est.)	J&J	CA	\$16M	\$950M	\$966M	Punitive VACATED on JNOV
7	Jul 2025	Lovell	J&J	MA	\$42.68M	–	\$42.68M	On appeal
8	Jun 2025	Paluzzi	J&J	MA	\$8M	–	\$8M	Recent verdict
9	May 2025	Henderson (WD)	J&J	LA	\$3.01M	–	\$3.01M	Recent verdict
10	Oct 2024 / 2025	Plotkin	J&J	CT	\$15M	\$10M	\$25M	Punitive set by judge (CT)
11	Aug 2024	Perry	J&J	SC	\$32.6M	\$30.76M	\$63.36M	On appeal
12	Jul 2024	Ramirez	Avon	IL	\$24.4M	–	\$24.4M	Avon in Chapter 11
13	Jun 2024	Lee	J&J	OR	\$60M	\$200M	\$260M	Contested post-trial
14	May/Nov 2024	Barone (est.)	R.T. Vanderbilt	CT	\$15M	\$7.5M	\$22.5M	Punitive set by judge (CT)
15	Apr 2024	Salcedo / Garcia (est.)	J&J	IL	\$45M	–	\$45M	Pre-HB 219 – no punitive

VERDICTS 2015-2024

#	Date	Plaintiff	Primary defendant	St.	Comp.	Punitive	Total	Post-trial status
16	Mar 2024	Shawn Johnson	J&J	CA	\$2.46M	\$25M	\$27.46M	Resolved
17	Feb 2023	Plant	WCD	SC	\$29.14M	–	\$29.14M	Jury rejected punitive; WCD Ch. 11
18	Feb-Mar 2023	Graham	WCD	OR	\$18.5M	–	\$18.5M	WCD receivership / Ch. 11
19	2022	Chapman	Avon	CA	\$40.8M	\$11.3M	\$51M	AFFIRMED (Feb 2026)
20	Aug 2021	Prudencio	J&J	CA	\$26.4M	\$0.1M	\$26.5M	On appeal; malice found
21	Apr 2021	McNeal	WCD	CA	\$4.8M	–	\$4.8M	Compensatory only
22	Sep '19 / Feb '20	Barden +3	J&J	NJ	\$37.3M	\$750M	\$787.3M	Cut to \$186.5M, then REVERSED (2023)
23	Jun 2019	Schmitz	Colgate	CA	\$12M	–	\$12M	Punitive rejected; upheld
24	May 2019	Olson	J&J	NY	\$25M	\$300M	\$325M	Reduced, then REVERSED (2022)
25	Mar 2019	Leavitt	J&J	CA	\$29.4M	–	\$29.4M	On appeal
26	May 2018	Anderson	J&J	CA	\$21.7M	\$4M	\$25.7M	Malice / oppression / fraud found
27	Apr 2018	Lanzo III	J&J	NJ	\$37M	\$80M	\$117M	REVERSED (2021) – new trials
28	2017	Booker (WD)	Vanderbilt	CA	\$17.5M	\$4.6M	\$22.1M	Settled before punitive phase
29	Oct 2016	Depoian	WCD	CA	\$18M	–	\$18M	Settled before punitive phase
30	Apr 2015	Winkel	Colgate	CA	\$13M	–	\$13M	Settled before punitive phase



JURY INSTRUCTIONS

SECTION 2

MALICE, DESPICABLE CONDUCT, FRAUD

State / Instruction	Predicate standard	Burden
CA <i>CACI 3940-3949</i> <i>Civ. Code § 3294</i>	Malice, oppression, or fraud; "despicable conduct" / willful conscious disregard of others' rights or safety	Clear & convincing (CACI 201)
OR <i>UCJI 75.01-75.02</i> <i>ORS 31.730</i>	Malice OR reckless and outrageous indifference to a highly unreasonable risk of harm, with conscious indifference to others' health/safety; mandatory court review of the award	Clear & convincing
NJ <i>Model Charge 8.60</i> <i>N.J.S.A. 2A:15-5.9 et seq.</i>	Actual malice OR wanton and willful disregard of foreseeably harmed persons	Clear & convincing
TX <i>CPRC § 41.003</i>	Fraud, malice (specific intent to cause substantial injury), or gross negligence; jury must be UNANIMOUS on liability and amount	Clear & convincing
FL <i>SJI 503.1 / 503.2</i> <i>Fla. Stat. § 768.72</i>	Intentional misconduct OR gross negligence; bifurcation on demand (W.R. Grace v. Waters)	Clear & convincing (entitlement)
NY <i>(common law; PJI 2:278)</i>	Willful / wanton; conscious, deliberate disregard of others' interests; reckless or intentional	Unsettled (preponderance vs. C&C split)
IL <i>IPI Civil 35.01</i> <i>735 ILCS 5/2-604.1</i>	Willful and wanton, fraud, or actual malice; evil motive OR reckless and outrageous indifference to a highly unreasonable risk, with conscious indifference to others' safety. Pleading gate: must move post-discovery, after a hearing showing reasonable likelihood (§ 2-604.1)	Clear & convincing

REPREHENSIBILITY, ACTUAL HARM, PROFITS, FINANCIAL CONDITION

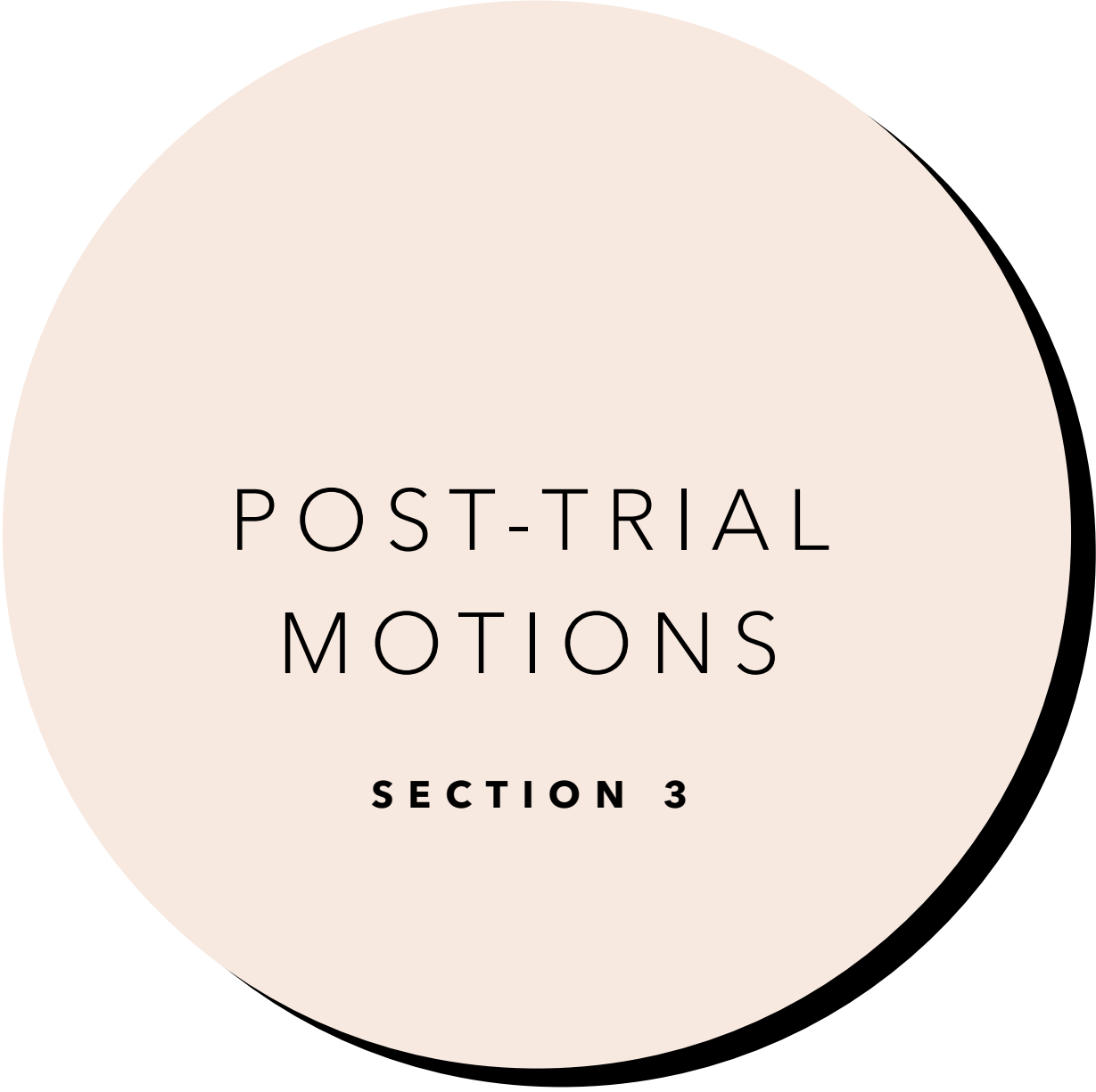
State / Source	Factors the jury may consider on the AMOUNT
CA <i>CACI 3940 / 3942</i>	(1) How reprehensible the conduct was; (2) whether there is a reasonable relationship between the award and the plaintiff's harm; (3) the defendant's financial condition (an amount large enough to deter, but not to destroy). Harm to others informs reprehensibility only – not direct punishment (Williams).
OR <i>ORS 30.925(2)</i>	Seven statutory factors: (a) likelihood of serious harm at the time; (b) the defendant's awareness of that likelihood; (c) profitability of the misconduct; (d) duration of the conduct and any concealment; (e) attitude and conduct on discovery; (f) financial condition; (g) total deterrent effect of other sanctions already imposed.
NJ <i>N.J.S.A. 2A:15-5.12(b)-(c)</i>	Likelihood of serious harm; defendant's awareness / reckless disregard; conduct on learning of the harm; duration and any concealment – and, for the amount specifically, the profitability of the misconduct to the defendant.
TX <i>CPRC § 41.011</i>	(1) Nature of the wrong; (2) character of the conduct; (3) degree of culpability; (4) situation and sensibilities of the parties; (5) extent to which the conduct offends a public sense of justice and propriety; (6) net worth of the defendant.
FL <i>SJI 503.2</i>	The nature, extent, and degree of the misconduct and the related circumstances, plus the defendant's financial resources – but the award may not be so great as to “financially destroy” the defendant, and the jury retains discretion to decline an award.
NY <i>PJI 2:278</i>	Nature and reprehensibility of the conduct (its character, motivation, and duration); the defendant's awareness of the potential harm; the scope of the actual harm; any concealment or cover-up; and the defendant's wealth / financial condition.
IL <i>IPI Civil 35.01</i>	The nature and enormity of the wrong; the defendant's financial status / current financial condition; the potential liability arising from the misconduct; and the amount of money needed to punish the defendant and deter it and others – with reprehensibility the pivotal consideration.

PURPOSE OF PUNITIVE DAMAGE: PUNISH AND DETER

State	Instruction (system & identifier)	Purpose stated to the jury
CA	CACI 3940 (individual) / 3945 (entity) / 3947 (bifurcated)	To punish highly reprehensible conduct (malice, oppression, or fraud, proved by clear and convincing evidence) and to discourage / deter others from acting similarly.
IL	IPI Civil 35.01 (willful & wanton) / 35.02 (corporate/principal)	To punish the wrongdoer and to serve as a warning to deter the defendant and others from committing similar offenses in the future.
NY	PJI 2:278 (Damages – Punitive)	Awarded for the sake of public example – to punish malicious, wanton, or reckless behavior and to deter similar egregious conduct by others.
TX	PJC series / CPRC Chapter 41 framework	“Exemplary damages” under Chapter 41, designed specifically to punish the defendant and deter future misconduct.
OR	UCJI 75.02 (factors) / 75.02A (out-of-state) / 75.02B (non-party harm)	To punish and deter future harmful behavior – while strictly parsing out-of-state conduct and harm to non-parties to stay within constitutional limits.
FL	Florida Standard Jury Instructions § 503 series	To punish the defendant for intentional misconduct or gross negligence and to deter others from engaging in similar behavior.
PA	PASSJI § 8.00 (Punitive Damages)	An extraordinary remedy – meant exclusively to punish outrageous conduct and to deter the actor and others like them.

STATUTORY CAPS ON PUNITIVE DAMAGES

State	Statutory cap on punitive damages
CA <i>Civ. Code § 3294</i>	None (constitutional / due-process review only)
OR <i>ORS 31.730 / 31.735</i>	No cap, but 70% of any punitive award goes to the State (split recovery)
NJ <i>N.J.S.A. 2A:15-5.14</i>	Greater of 5× compensatory or \$350,000
TX <i>CPRC § 41.008</i>	Greater of (2× economic + noneconomic up to \$750K) or \$200,000
FL <i>Fla. Stat. § 768.73</i>	3× compensatory or \$500,000 (raised/removed for intentional or specific-intent misconduct)
NY <i>(no statute)</i>	No statutory cap
IL <i>735 ILCS 5/2-1115.05</i>	None for this docket – cap void as to common-law tort (<i>Best v. Taylor</i> , 1997); constitutional review only

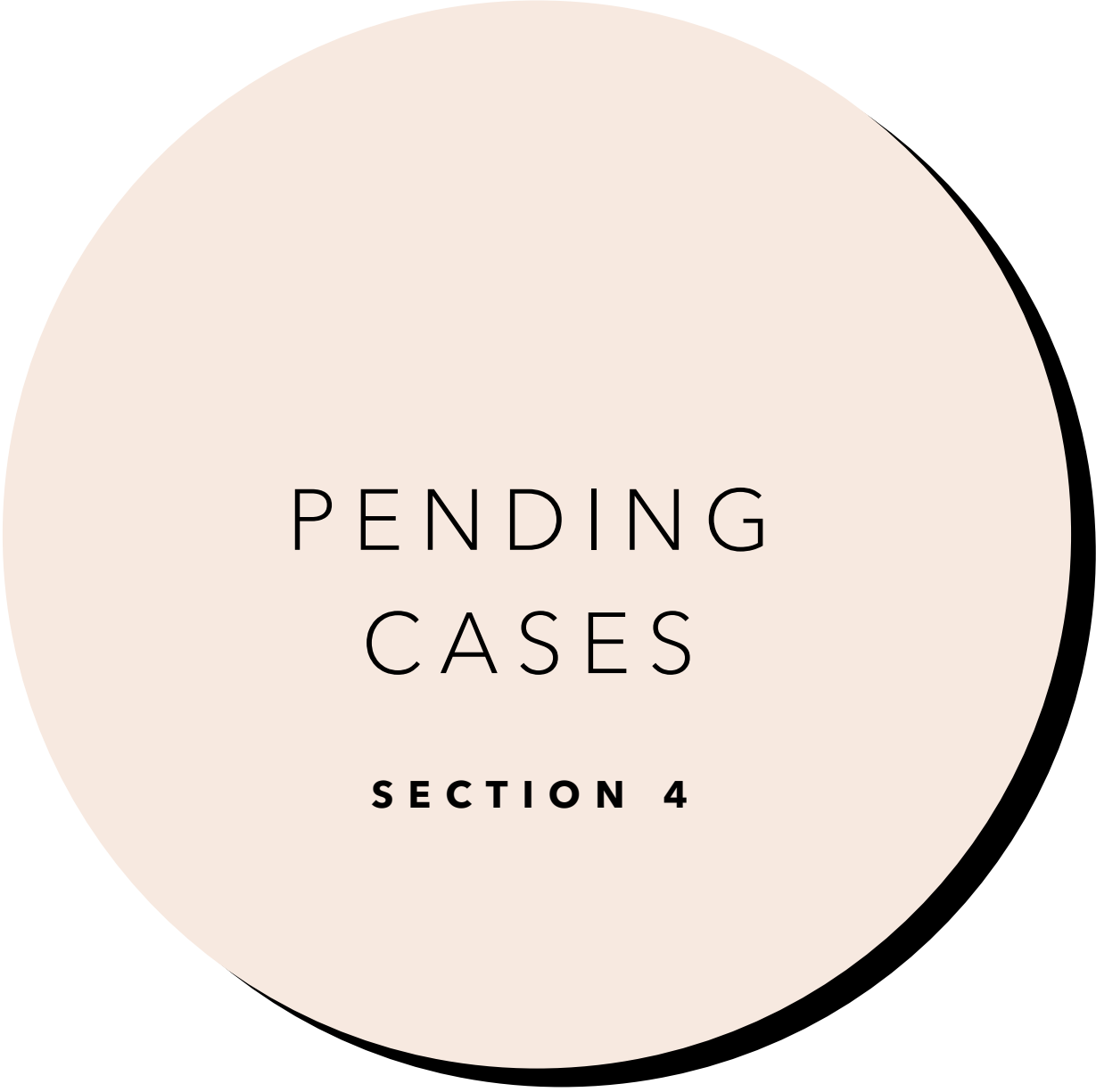


POST-TRIAL MOTIONS

SECTION 3

RECENT POST-TRIAL RULINGS

Date	Plaintiff	Primary defendant	St.	Comp.	Punitive	Total	Post-trial status
Dec 2025	Craft	J&J	MD	\$59.84M	\$1.5B	\$1.56B	Post-Trial Motions pending
Oct 2025	Moore (est.)	J&J	CA	\$16M	\$950M	\$966M	Punitive damages VACATED on JNOV
Oct 2024 / 2025	Plotkin	J&J	CT	\$15M	\$10M	\$25M	Punitives set by judge (CT)
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PENDING CASES

SECTION 4

P E N D I N G C A S E S

- Craft v. J&J (CA) – \$1.5B, largest individual talc punitive on record; post-trial motions pending.
- Moore v. J&J (CA) – \$950M punitive vacated on JNOV (Mar 2026); notice of appeal filed last week.
- Lee v. J&J (OR) – \$200M, motion for new trial granted, fully briefed, oral argument pending.

