



# ARTIFICIAL STONE SILICOSIS LITIGATION CONFERENCE

*JW Marriott Los Angeles | April 28, 2026*

## NATIONAL TRIAL UPDATE



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# Trials



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## From Dust to Verdict

Brayton Purcell LLP

Podcast · 13 episodes · Updated 5 days ago

This podcast is dedicated to the new epidemic of accelerated silicosis in artificial stone countertop ...more



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Latest

- 1 **FROM DUST TO VERDICT**  
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Episode 11 Testimony from Cal OSHA
- 3 **FROM DUST TO VERDICT**  
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Episode 9: 600+ Doctors Petition Cal-



# SIMPLE CASE



**A-rtificial Stone**

**B-reathing**

**D-eath**

0%

# CACI 435 Causation



- **A Substantial Factor in Causing Harm Is a Factor That a Reasonable Person Would Consider to Have Contributed to the Harm. It Does Not Have to Be the Only Cause of the Harm.**
- **Plaintiffs May Prove That Exposure to Dust From \_\_\_\_\_ Was a Substantial Factor Causing Mr. \_\_\_\_\_ silicosis by Showing, Through Expert Testimony, That There Is a Reasonable Medical Probability That the Exposure Was a Substantial Factor Contributing to His Risk of Developing Silicosis.**

# Causes of Action/Liability



**Negligence**: What They Knew, When They Knew, What They Did About It, Failure To Conduct Themselves In Such A Way So As To Avoid Injury To Others

**Product Liability – Design Defect**: Consumer Expectation – Product Required To Perform As Safely As Ordinary Worker Would Expect

**Product Liability – Risk Benefit Test**: Benefits Do Not Outweigh the Risks

**Product Liability/Negligence – Failure To Warn**: Dangers Of A Products, How To Handle Safely

## ECONOMIC DAMAGES



- ▷ **Loss of Income**
- ▷ **Medical Expenses**
- ▷ **Loss of Household  
Services**

**NON-ECONOMIC DAMAGES - Personal  
Injury/Survival**



- **Physical Pain**
- **Mental Anguish**
- **Loss of Consortium**

# NON-ECONOMIC DAMAGES- Wrongful Death



## **Loss of:**

- **Love**
- **Companionship**
- **Comfort, Care, Assistance**
- **Protection, Affection, Moral Support**
- **Training, & Guidance**

# ALLOCATION OF FAULT



▶ **What Percentage of Fault Does Defendant \_\_\_\_\_ Have?**

# Defenses



- ▶ It Is The Fault Of The “Very Few” “Criminal” “Bad Actor” “Dry” “Slab Launderer” “Unsophisticated” Fabrication Shops.
- ▶ The 2016 OSHA PEL Is A Safe Level.
- ▶ The 2023 CAL-OSHA Emergency Standard Sets Forth Safe Methods.
- ▶ Cambria And The ISFA/NSI Member Shops Are Safe And Do Not Have Disease.
- ▶ Sophisticated/Criminal Intermediary
- ▶ Sophisticated User
- ▶ Natural Stone Is The Cause

# Trial Results



- ▶ Reyes Gonzales – August 2024 – Most Defendants Settled, \$52 Million Verdict Against 2, On Appeal
- ▶ Garcia Rosas - February 2025 – Settled During Trial
- ▶ Coordination Stay
- ▶ Solano Claustro February 2026 - Most Defendants Settled, Defense Verdict For 3, On Appeal
- ▶ Gonzalez Quiroz – February 2026 – Settled During Trial
- ▶ Gonzalez Morin – March 2026 – Settled During Trial
- ▶ Jordan (Colorado) – Last Week of Trial this Week
- ▶ Ramirez Soriano And Martinez Paredes – May 5, 2026
- ▶ 26 More Trials Set From June Through Mid 2027.



# Illinois Proximate Cause

## 15.01 Proximate Cause—Definition and Use

When I use the expression “proximate cause,” I mean a cause that, in the natural or ordinary course of events, produced the plaintiff’s injury. [It need not be the only cause, nor the last or nearest cause. It is sufficient if it combines with another cause resulting in the injury.]

[If you decide that a [the] defendant[s] was [were] negligent and that his [their] negligence was a proximate cause of injury to the plaintiff, it is not a defense that [something] [or] [someone] else may also have been a cause of the injury. However, if you decide that the defendant’s conduct was not a proximate cause of the plaintiff’s injury, then your verdict should be for the defendant.]

*Instruction revised August 2021; Notes on Use and Comment revised October 2021.*



# Joint and Several Liability - Illinois

(735 ILCS 5/2-1118)

(This Section was repealed by P.A. 89-7, which has been held unconstitutional)

Sec. 2-1118. Exceptions. Notwithstanding the provisions of Section 2-1117, in any action in which the trier of fact determines that the injury or damage for which recovery is sought was caused by an act involving the discharge into the environment of any pollutant, including any waste, hazardous substance, irritant or contaminant, including, but not limited to smoke, vapor, soot, fumes, acids, alkalis, asbestos, toxic or corrosive chemicals, radioactive waste or mine tailings, and including any such material intended to be recycled, reconditioned or reclaimed, any defendants found liable shall be jointly and severally liable for such damage.



## Frye Standard - Illinois

- ▶ “. . . the proper focus of the general acceptance test is on the underlying methodology used to generate the conclusion. If the underlying method used to generate an expert's opinion are reasonably relied upon by the experts in the field, the fact finder may consider the opinion—despite the novelty of the conclusion rendered by the expert.”
  - *Donaldson v. Central Illinois Public Service Co.*, 262 Ill. Dec. 854 (2002)



## Twelve Person Juries

- ▷ “Because the size of the jury—12 people—was an essential element of the right of trial by jury enjoyed at the time the 1970 Constitution was drafted, we conclude jury size is an element of the right that has been preserved and protected in the constitution. The provision of Public Act 98–1132 amending section 2–1105(b) and reducing the size of a jury in civil trials is thus unconstitutional.”
  - *Kakos v. Butler*, 407 Ill. Dec. 469 (2016)



## Damages

- ▶ Double Lung Transplant Victims
- ▶ Young Victims
- ▶ Extremely High Medical Bills



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