

What You Should Know About Your

Legal Rights

Concerning

Mesothelioma

Kelley & Ferraro^{LLP}
ATTORNEYS & COUNSELORS AT LAW

ATTORNEYS & COUNSELORS AT LAW Kelley & Ferraro LLP

Committed to our Clients and their Families

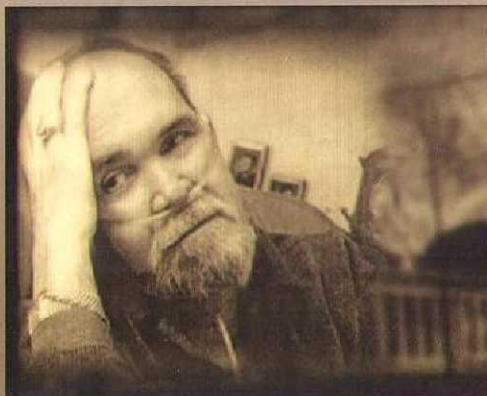
Founded in 1997 by Michael V. Kelley & James L. Ferraro, Kelley & Ferraro is one of the largest Plaintiff's asbestos law firms in the country. Based in Key Tower in Cleveland, Ohio, the firm currently represents over 30,000 people that have contracted mesothelioma, asbestosis, and other asbestos-related diseases.

In the early 1990s, Kelley met Jim Ferraro, a trial lawyer in Miami, who also had a plaintiff's asbestos and workplace injury practice. Using their contacts, the lawyers opened Kelley & Ferraro in downtown Cleveland, Ohio.

Since then, Kelley & Ferraro has taken numerous asbestos and toxic tort cases to verdict, many involving malignant mesothelioma. At the same time, the firm negotiated settlements with many of the largest asbestos producers and distributors, including Halliburton, Honeywell, and Pfizer. The firm has also participated in negotiations within the arena of the bankruptcy courts as more and more asbestos producers and manufacturers have filed for bankruptcy. The firm has been appointed to sit on numerous federal Asbestos Creditors Bankruptcy Committees and Chairs.

James L. Ferraro, the firm's managing partner, was chosen as one of 10 national finalists for Trial Lawyer of the Year in 1997 for his trial triumph against the chemical manufacturer, DuPont & Company, for causing a birth defect. The Florida jury held DuPont accountable to the mother and child. Court TV covered the trial. The Florida Supreme Court upheld the verdict.

At Kelley & Ferraro, every client's case is the most important case to us. Our law firm is staffed by a complete team of lawyers and legal professionals with many years of experience in successfully handling asbestos injury cases. By earning our clients' trust and working hand-in-hand with them, we carefully prepare each case to ensure that we can achieve the maximum result for each client we represent. The trial lawyers of Kelley & Ferraro are deeply committed to giving you a strong, powerful voice to stand up for your legal rights. If you have been harmed due to someone else's negligence, we may be able to help you.



Mesothelioma & Asbestos

What is Mesothelioma?

Mesothelioma is a rare form of cancer. "Mesothelioma" is the term used to describe a cancerous tumor which involves the mesothelioma cells of an organ, usually the lungs, heart or abdominal organs. The most common type of mesothelioma is pleural mesothelioma. The pleura is a thin membrane found between the lungs and the chest cavity. It provides a lubricated surface so that the lungs do not chafe against the chest walls. Thus, a pleural mesothelioma is often referred to as a "lung" cancer. Another form of mesothelioma is peritoneal mesotheliomas. The peritoneum is the membrane that encloses the organs of the abdomen. While peritoneal mesotheliomas are less common than pleural mesotheliomas, they tend to be more invasive, and thus result in a shorter life expectancy for the patient. Mesotheliomas have also been found in the stomach and other abdominal organs.

Mesotheliomas, like other types of cancer (e.g., adenocarcinoma), typically consist of two general types—benign and malignant. By far the most common mesothelioma is the diffuse malignant pleural mesothelioma. This type of tumor is invasive and very aggressive. It spreads quickly over the surface of the lungs, abdominal organs or heart. Life expectancy for victims of this disease varies, depending on the stage at which the disease is detected, the relative health and strength of the patient, and a variety of other factors. With proper care, some victims have survived for several years.

Exposure to asbestos is known to cause other types of cancer, not just mesothelioma. If you were exposed to asbestos and have been diagnosed with lung cancer, laryngeal cancer, esophageal cancer, or colon cancer, you may have a claim against the companies that manufactured the asbestos or product containing asbestos that caused your illness.

Why Me?

A common question posed by persons afflicted with mesothelioma is, "Why did this happen to me?" The answer is nearly always the same -- exposure to asbestos. When diagnosed in the United States, its onset is typically linked to a history of exposure to asbestos fibers. Asbestos is a mineral that was used for decades as a thermal insulation material. It has been widely known since the 1920's that asbestos is a carcinogen, which means that it causes cancer in humans. However, asbestos was used as an insulator until the mid-1970's, and is still present in massive quantities in many buildings today. Unfortunately, in many cases very little exposure is required to set this cancer in motion. Some of the occupations which are typically associated with the diagnosis of mesothelioma later in life are as follows:

Auto Workers	Mechanics
Boilermakers	Millwrights
Brake Mechanics	Operators
Bricklayers	Painters
Carpenters	Paper Workers
Cement Finishers	Plasterers
Drywall Workers	Pipe Fitters
Electricians	Plumbers
Engineers	Power Plant Workers
Foundry Workers	Roofers
Helpers	Sailors
Insulators	Shipyards Workers
Laborers	Steel Workers
Lathers	Sheet Metal Workers
Machinists	Welders

Asbestos has been used in a number of occupations in addition to those listed on the previous page. Furthermore, a number of former military personnel, particularly those who served in the navy, coast guard, or merchant marines, came into contact with asbestos during their service. Massive amounts of asbestos were used in shipbuilding and commercial construction prior to the mid-1970's. Anyone involved with those industries is at a high risk for developing an asbestos-related disease such as asbestosis or mesothelioma. Exposure may have been direct or indirect, lengthy or brief. The typical exposure period is lengthy, but some people with short, but intense exposures develop mesothelioma. Mesothelioma can also occur from non-occupational exposure, as evidenced by manifestation of the disease in women whose exposure came from washing the clothing of men (father, husband, and son) who worked with asbestos.

A unique feature of asbestos-related injuries is the long latency period between exposure to asbestos and the onset of the injury or disease. For mesotheliomas, the latency period is between 15 and 50 years, or more. That means that a person could have been exposed to asbestos 50 years ago, and develop mesothelioma today.

What are the Clinical Signs of Mesothelioma?

In general, the clinical presentation of this disease may include the following:

- Cough
- Shortness of breath, difficulty breathing
- Difficulty sleeping
- Progressive loss of appetite and weight loss
- Pain in the chest and abdominal regions, which is generally unresponsive to analgesics
- Pleural effusions (fluid in the chest cavity)

Management of mesothelioma depends largely on the staging of the tumor. Early diagnosis and surgical intervention may lengthen life expectancy. Depending on the age and physical condition of the patient, surgery may be a viable option. In addition to surgical options, radiation and chemotherapy may be helpful in the overall therapeutic treatment. Pain management and home care are typical alternatives in the later stages of the disease.

Where Do I Go From Here?

After diagnosis, it is important to understand your treatment options. Your doctor or oncologist will provide you with information on the treatments that are available to you. It is also important to know about your legal rights. If you have mesothelioma, or any other asbestos-related disease, you were most likely exposed to asbestos. Many of the manufacturers of asbestos insulation products knew for decades that asbestos was hazardous, yet made a business decision not to warn people of those hazards. As a result, you may have a right of recovery against those manufacturers, which can help defray the costs of treatment and provide compensation for your pain and suffering. According to the National Cancer Institute, approximately 3,000 cases per year of malignant mesothelioma are being reported in the United States, and the incidence appears to be increasing. The disease is three times more common in men than in women. In men, the occurrence of mesothelioma is ten times higher in men between the ages of 60-70 as compared to men between the ages of 30 to 40. Occupational exposure to asbestos over the past fifty years in the United States is calculated to have occurred in approximately eight million people, and up to 300,000 new cases are expected to occur by the year 2030.

Frequently Asked Questions about Asbestos and Mesothelioma

Q: What is malignant mesothelioma?

A: Malignant Mesothelioma is a rare type of cancer involving the lining of the lungs and stomach. Pleural mesothelioma is the most common form of the disease and occurs in the lining of the lung known as the pleura.

Q: What causes mesothelioma?

A: Exposure to asbestos is the single known factor to cause malignant mesothelioma. According to the United States Department of Labor-Occupational Safety and Health Administration, asbestos is the name given to a group of naturally occurring minerals used in certain materials to resist heat or corrosion. Asbestos has been used in products such as insulation, fire brick, floor and ceiling tile and brake shoes. Aerosolized or friable asbestos is the most dangerous type of asbestos as it becomes inhaled and lodged in the lung cavities.

Q: How much exposure to asbestos is needed to contract mesothelioma?

A: Every individual and their immune system are different. Any amount of exposure to asbestos could lead to asbestos-related disease including mesothelioma.

Q: How long does it take after exposure to asbestos for the disease of Mesothelioma to present itself?

A: People exposed in the 1940s, 50s, 60s, and 70s are now being diagnosed with mesothelioma due to what is called a latency period. What this means is although exposure to asbestos may take place anywhere from the 1940s to the 1970s the disease lays dormant and presents itself 10 to 50 years later.

Q: Who is at risk to contract the disease of Mesothelioma?

A: Most malignant mesothelioma victims have worked on jobs where they breathed in asbestos fibers. Some of those jobs include working in steel mills, rail yards, foundry's, mines and construction. Some specific occupations exposing people to asbestos include pipefitters, insulators, laborers, millwrights, electricians, plumbers, and ship builders. Others have been exposed to asbestos from their household environment, often without knowing it.

Q: I have been diagnosed with malignant mesothelioma. How much time do I have to decide if I would like to file a lawsuit?

A: There is a period of time known as the statute of limitations and it determines the time frame in which you have to file a suit. The statute of limitations for cases involving occupational diseases, such as mesothelioma, often starts when you are first diagnosed with the disease or become aware that it was caused through occupational means. It is imperative to contact an attorney as soon as possible to ensure your case is filed in compliance with the statute of limitations.

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Mesothelioma

Asbestos-Related Diseases

Personal Injury

Automobile Accident Litigation

Medical Malpractice

Nursing Home Negligence

Dangerous/Defective Drugs

Worker's Compensation

Products Liability

Hazardous and Toxic Material

Wrongful Death

Welding Fumes

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