



Asbestos

THE **LAW** AND **YOU**

*Your comprehensive Sourcebook on
how to proceed with legal action
for asbestos-related injuries*

— LAW OFFICES OF —

JOE BORNSTEIN

— PERSONAL INJURY ATTORNEYS —

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Suddenly, your world has gone dark.

The shock is almost too heartrending to absorb. You've been diagnosed with an asbestos-related disease.

It may be an answer to your physical pain, but the future can seem bleak and empty. You face an arduous medical course of action; the terminology alone is hard to grasp. Then someone suggests you might qualify for financial compensation and should speak to a lawyer.

A lawsuit? The thought is overwhelming. Is it even worth making a phone call?

- ✓ **Yes**, say the thousands of families we've fought for and won justice for.
- ✓ **Yes**. Financial compensation can never take away physical pain or emotional anguish, but it does ease the burden of bills and making ends meet.
- ✓ **Yes**. There is satisfaction in receiving justice. No one should produce, promote or turn a blind eye to a product that robs people of dignity, hope and their very breath.
- ✓ **Yes**. Because we keep the amount of work you'll have to do to a minimum so you can focus on your healing. Our team will perform the vast percentage of the work at no up front cost as we are compensated when your justice is awarded.
- ✓ **Yes**. We're fighting for you from Day One. From your first phone call for help, to delivering the very last penny that's owed to you.

For nearly half a century, we've fought and won for injured and disabled Mainers. Insurance companies know every trick to minimize your claim, but when we fight for your case, your cause — they pay the price. The Law Offices of Joe Bornstein has won over \$500 million for injured and disabled Mainers since 1974 and stands ready to help you or a loved one with your Mesothelioma claim.

Let us do the same for you. Let us get you the justice, the relief, you deserve.



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Maine has the highest rate of Mesothelioma fatalities in the U.S.

Asbestos: What It Is

Tiny, Natural and Lethal

Surprisingly, asbestos — the cause of millions of American deaths — occurs naturally in the environment. The term asbestos applies to six minerals that appear in nature as bundles of fibers. Thinner than a strand of hair, these fibers don't conduct electricity and are resistant to heat, fire and chemicals — the ideal solution for reducing heat and protecting against friction in commercial and industrial products.

But working with asbestos — cutting, drilling, demolition work or causing friction of any kind — causes asbestos to break off like dust, releasing those tiny fibers into the air. Before asbestos was outlawed, unsuspecting workers breathed in the dust routinely, damaging their lungs and bodies with a slow-building toxicity that in some cases, took up to 30 years to develop into cancer.

Asbestos: Where It Is

Thousands of Uses

Asbestos has been mined since 1880 and its ability to bond easily with other materials dramatically expanded its use, starting with World War II. The range of uses is vast, and includes thousands of products, as well as manufacturing and construction processes used in:

- ▶ **Building and Construction** (all types of structures) as insulation on systems and equipment, and in such products as ceiling and wall tiles, paints and sealants/adhesives
- ▶ **Transportation** — automotive, aviation, aerospace, rail, trucking and shipping — from insulation to brake pads
- ▶ **Consumer Products** as diverse as home renovation products, paints and adhesives, gardening products, and personal care products such as hairdryers
- ▶ **Military Equipment and Vehicles** of all types
- ▶ **Talc Products**
- ▶ **The Manufacturing Processes** of plastics, industrial textiles and the products listed above

Why It's Still in Use

The Ban Begins

Starting in the late 1970s, the US Consumer Protection Safety Commission began banning product-specific uses of asbestos, such as those occurring in construction, where asbestos fibers were regularly released into the air and breathed in by workers. Some manufacturers voluntarily stopped using asbestos. As public health concerns continued to rise and an increasing amount of data linked asbestos to fatal disease — between 1940 and 1980 an estimated 27 million workers were regularly exposed to toxic levels of asbestos — the urgency of banning asbestos mounted.

In 1989, the US Environmental Protection Agency (EPA) banned all NEW uses of asbestos.

Why We Remain Vigilant

Still, the EPA mandate permitted uses developed before 1989 to exist. Today, America is one of the few nations in the world that has not completely banned the use of asbestos. Fortunately, domestic consumption has dropped from 803,000 metric tons in 1973 to less than 360 metric tons today. But asbestos-remaining products are still marketed, and their sale has failed to be blocked by current legislation. Thus, the risk continues.



Top Maine Job Sites Where Asbestos Exposure Occurred

Until the late 1980s, numerous Maine workers were exposed to asbestos products at a wide variety of job sites, especially in the shipbuilding and paper industries as well as transportation facilities, power plants, military bases, and even school and college buildings. Some of the top job sites for asbestos exposure in Maine included:

▶ SHIPBUILDING

Bath Iron Works (Bath)
New England Shipbuilding Corporation (South Portland)
Portsmouth Naval Shipyard (Kittery)

▶ PAPER MILLS

Great Northern Paper Company (Millinocket)
Hudson Pulp and Paper Company (Augusta)
Rumford Paper Mill (Rumford)
International Paper Company (Livermore Falls)
Oxford Paper Company (Rumford)
S.D. Warren Paper Mill (Westbrook)
Kennebec River Pulp & Paper Company (Madison)
Eastern Fine Paper and Pulp (Brewer)
Pejepscot Paper Company (Topsham)
Maine Seaboard Paper Company (Bucksport)
Georgia Pacific Paper Mill (Woodland)

▶ OTHER MANUFACTURING

Sanford Textile Mill (Sanford)
New England Insulation Company (Bangor)
Union Chemicals Company (South Hope)
Northern Chemical Industries (Searsport)

▶ POWER PLANTS

Central Maine Power Company (Augusta)
Bangor Hydro-Electric (Bangor)
Yankee Nuclear Power Plant (Wiscasset)
Wyman Power Station (Yarmouth)
Brunswick Electric Light and Power Company (Brunswick)

▶ TRANSPORTATION

Maine Central Railroad Company (Waterville)

▶ MILITARY

Dow Air Force Base (Bangor)
Naval Air Station Brunswick (Brunswick)
Loring Air Force Base (Limestone)

▶ SCHOOLS & COLLEGES

University of Maine (Orono)
Pownal State School (New Gloucester)
Colby College (Waterville)
Mount Blue High School (Jay)



Building Your Case

First Things First

When you or a loved one is ill and grappling with all-consuming medical issues, the thought of taking on a lawsuit can be too much to bear.

We understand wholeheartedly — asbestos injury lawsuits are where pain and loss are at their most grievous. That's why we've created this Sourcebook — to show how we'll be with you every step of the way.

In this section, we look at justice through your eyes, and answer such vital questions as:

- ▶ Do I qualify for a lawsuit?
- ▶ How does a lawsuit work?
- ▶ What will it cost?
- ▶ What will I have to do?

A lawsuit can be a very trying personal and emotional experience. Following the shock of diagnosis and coping with complicated treatment regimens, taking on a lawsuit can loom ahead as a burden too large to carry. That is why we take as much weight off your shoulders as possible from the day we begin working together.

Let's get started – together

"They explained everything so it was very clear to me. I would definitely recommend Joe Bornstein's office if you ever need any help."

— Jodi S.

"From the very first phone call I felt as if they had my best interest at hand and will do everything possible to make this experience as smooth as possible. I felt that they made me the number one interest and to make sure I got all the proper medical treatment I needed. They live up to their reputation and far exceed it."

— Kim K.



How do I know if I qualify to file a lawsuit?

Your Diagnosis

Usually people come to a qualified lawyer with a diagnosis of mesothelioma, lung cancer or other lung conditions related to asbestos exposure.

If you suspect you may have an asbestos-related disease but have not yet been diagnosed, please see a physician immediately and be tested. That will enable you to start receiving the appropriate medical treatment, and allow you to begin the process of pursuing a lawsuit to receive compensation.

Asbestos Exposure & Related Illnesses

Because asbestos was so widely used in industrial and consumer products over the last 100 years, exposure was and continues to be, widespread; the danger continues. It is the frequency, concentration and duration of exposure to asbestos that fosters the disease.

You may be able to pursue a lawsuit if you were exposed at work, in the military, worked at home consistently on renovations or automotive projects, through heavy exposure to talcum powder or talc-based products, or via secondary exposure if you lived with an individual who brought asbestos dust home on their clothing. Asbestos fibers are extremely lightweight and travel easily through the air, allowing others to breathe them in.

It should also be noted that while the vast majority of asbestos disease results from long-term exposure, there have been instances of developing mesothelioma from "flash" or limited exposure.

Proof of Illness

Exposure alone does not constitute a basis for filing a lawsuit. For us to win your case, we must prove that you suffer from an asbestos disease.



Disease and health issues linked to Asbestos

These specific diseases and serious medical conditions have been linked to asbestos exposure.

Diseases

- ▶ **Mesothelioma:** cancer of the thin membrane lining the thoracic and abdominal cavities and the surrounding internal organs
- ▶ **Lung Cancer**
- ▶ **Asbestosis:** a serious, chronic, non-cancerous fibrous hardening and scarring of the lungs; it has also been linked to causing heart disease
- ▶ **Pleural plaque and thickening,** which scars the lining of the lung
- ▶ **Interstitial fibrosis:** scarring of the lungs that causes stiffness, making it hard to breath and send oxygen to the bloodstream

Possible Conditions

- ▶ Deep-breathing difficulties
- ▶ Chest infections
- ▶ Gastro-intestinal difficulties
- ▶ Heart disease

If you experience any symptoms of these conditions and have had long-term exposure to asbestos, whether on the job, through DIY products or secondary exposure, please get tested immediately if you have not already done so.

Please Note: We are not accepting victims of non-malignant asbestos disease at this time, due to the difficulty in securing compensation for these injuries.



"After mustering up the courage I decided to call around and Joe Bornstein's office was very helpful in explaining the process, answered all the questions I had and made me feel so comfortable about moving forward with a claim. I'm really glad I decided to go through them."

— Nicole A.



How do I prove my illness is from asbestos?

Our Experience at Work

This is where our experience kicks in.

For nearly half a century, we've helped over 25,000 Mainers with their injury claims, recovering more than \$500 million for our clients and their families. There are few scenarios that cause us more outrage than unsafe work conditions – especially where the lethal dangers of such miscarriages of responsibility have destroyed people's lives and caused them so much pain.

When you call our law firm, you will be asked questions about your jobs and workplaces, including the military, your medical condition, and your family situation. The information you provide will be used to assess all the possibilities of your case..

Our commitment is unwavering and it is personal, a powerful combination that works to your advantage.

How? We are the most recognized personal injury law firm in the state of Maine, with the ability to represent Mainers with experience and an impressive track record. We are familiar with many of the work sites that sadly used harmful asbestos products for decades.

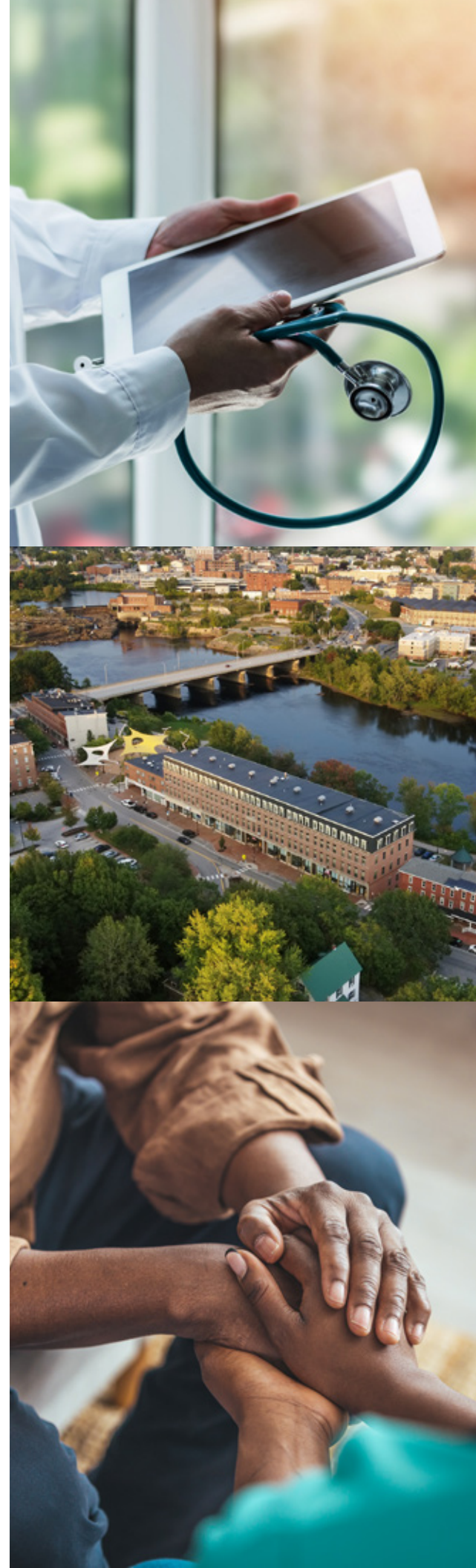
When you're ready to move forward, our team will start the process as described on the following pages.

"I would absolutely recommend Joe Bornstein's office. Five stars across the board! Thank you for all your help!"

— Michael R.

"I cannot say thank you enough to this firm and everyone there. So grateful for all of your patience in this case."

— Diane S.



Who's eligible to file a lawsuit?

Our Experience at Work

Asbestos-related illness falls under personal injury law, which is defined by each state. While the states share similarities, they also have some important differences, as noted here.

All states permit the injured party or plaintiff, i.e. the person suffering from the disease, to bring the suit.

The estate or family may also initiate a lawsuit once the injured person has passed away.

Individuals with medically-diagnosed, secondary exposure cases may also be eligible to file a claim.

Such individuals are typically family members who were exposed to asbestos fibers brought home on the clothes worn by a parent or spouse.

"So helpful through the entire claim process. So thankful for the work their team did for me and my family."

— Stephanie D.



Occupations and work sites that may have exposed you to asbestos:

Asbestos plant workers

Asbestos Workers/Insulators/Laggers

Automotive and other repair shops

Boiler or Engine Rooms

Boiler Makers

Cement plant workers

Chemical Plants

Construction sites (all jobs)

Custodian / Handyman

Electricians

Firefighters

Glass factory workers

Heating and Air Conditioning

Home Improvement (all jobs)

Hospitals

Hotels

Industrial Painter

Industrial Plants

Laborers

Loading Docks

Longshoremen

Metal lathers

Merchant Marines

Military (Navy/Army tank units)

Oil Refinery

Operational Engineers

Pipefitters

Plumbers

Power Plants

Railroad Workers

Schools

Sheetmetal workers

Shipyards (all jobs)

Shipyard Workers (including military)

Steamfitters

Steel Workers (plants / construction)

Telephone (installation / repair)

Utility Workers / Power Companies

If I take legal action, do I go to court? Who gets sued?

Legal language can often sound complicated, so we've simplified everything here and provided this background overview. Rest assured, when you're ready to have our team work for you, we'll go into detail about how your case will proceed.

Typical Defendants

As to the entity that is sued — the defendant — they tend to be:

- ▶ **Manufacturers** of products containing asbestos
- ▶ **Distributors** of such products
- ▶ At times, **employers** who hired you to perform work involving the use of asbestos products

Typical Types of Litigation

Most cases involve:

- ▶ **Bankruptcy Trusts:** the most common option is submitting a claim to a bankruptcy trust specifically created for compensating those affected by asbestos-related disease
- ▶ **Lawsuits:** may involve an out-of-court settlement or less frequently, a courtroom trial

Some quick background on bankruptcy trusts, as they may not be as familiar to you as a lawsuit.

Many companies associated with creating products or services that caused people to incur an asbestos-related disease have been legally declared bankrupt. In the US, lawsuits cannot be brought against such companies as they are protected by US bankruptcy law.

However, your rights to file a claim are also protected and you can do so through a bankruptcy trust, which have two functions: they allow the bankrupt companies to resolve their liabilities, as is feasible, and then pay compensation to those who have filed a claim on behalf of the bankrupt companies.



What's the time frame for filing a lawsuit?

Time is money — your money, as in the compensation you will receive — so file as quickly as you can. We'll let you know specifically based on your location, but here are some key time frames:

- ▶ **State-by-State:** The time frame varies by state, because the Statute of Limitations — the window of time during which you can file a suit or claim — is set by the courts of each state. For example, in Maine, the Statute of Limitations is six years from first diagnosis of disease. In Vermont, it is three years.
- ▶ **Statute Start date:** This is a very critical point because the start of time frame is almost always defined as the date when you or your family member were informed you had an asbestos-related disease, or when you should have been aware of a diagnosis. "Should" in this case refers to, for example, a situation such as missing a doctor's appointment where you were to receive results of tests that would provide a diagnosis. It is not the last date the individual was exposed to asbestos.

The date of diagnosis is even more critical to winning your case, as symptoms or the onset of asbestos-related illness can develop 10 to 50 years after you or your family was last exposed to asbestos. Lawsuits have been successful even in cases where the last exposure was more than 20 years ago, but the symptoms only presented themselves within the time frame permitted by the Statute of Limitations.

- ▶ **Posthumous filing:** For cases brought by the estate or the family of the injured person after that person's death, or Wrongful Death lawsuits, wherepermitted, the Statute is usually two years, in many states (but not all).
- ▶ **Getting it right:** Don't delay – contact the Law Offices of Joe Bornstein today to learn about your legal rights. Time is of the essence and our team of expert attorneys stands ready to help determine the best course of action for your very important inquiry.



What type of compensation could I win?

Legal awards for the resulting illness from your asbestos exposure allows you to potentially be reasonably financially compensated for the pain and suffering experienced at the hands of this devastating disease. It can also provide financial security after a cruel journey that can affect your entire family and last for years.

While the law itself cannot restore one's health, it can provide a measure of financial security for conditions and circumstances resulting from the disease, including:

- ▶ Pain and suffering ▶ Loss of income ▶ Medical expenses
- ▶ Loss of consortium or life's pleasures ▶ Funeral costs

Loss of consortium or life's pleasures may seem like vague terms at first, but the legal definitions cover a broad spectrum of the aspects of life that are severely compromised by the disease.

Loss of consortium is defined in two ways:

- ▶ *Your spouse's loss of the relationship, which includes the loss of love and comfort, care, companionship and intimate relations*
- ▶ *And the extended definition, which includes emotional and mental support, social discourse, love and affection and the loss of basic home services, which allows close family members such as children and parents, to claim loss of consortium*

Having a skilled, experienced attorney represent you will almost always result in a far higher financial settlement or jury award, than without — we always negotiate to the fullest extent of the law. And "settlement" does not mean you have "settled" for less money — it's the legal term for an amount of money paid to the plaintiff, as victim, for a personal injury, or to the victim's survivors through a wrongful death claim. They are legally binding and enforceable contracts negotiated out of court between your lawyer and the defendant's lawyers.

One more form of compensation, while unmeasurable, is the satisfaction of knowing the asbestos industry is being held accountable for the irreparable damage it has caused.



"I will be recommending the Law Offices of Joe Bornstein to anyone I know in search of a down to earth, intelligent, and diligent team to handle their case. Thanks again to everyone at the office."

— Sean B.



I think I have a case, how do we get started?

"The level of attention you receive when making that initial call is compared to none!"

— Holly M.

STEP 1 ▶ **Your Medical Diagnosis**

First, make sure to see your doctor, get tested, and follow your doctor's instructions so a diagnosis can be made. Once you have that in hand, the work on your claim can begin. The first step is assembling all of the information necessary to assess your claim. While we will relieve you of as much work as possible, you are essential to your case and its process. For us to successfully prosecute your case, we need you to work closely with us, starting at the very beginning, when we begin assembling the information needed to assess your case.

STEP 2 ▶ **The Right Information For A Strong Case**

Call us at **207- CALL-JOE** (207-225-5563) and speak to us for free. Our team will listen to your concerns, answer your questions, and guide you through how your case might work. When you are ready to proceed with your case, you will receive a New Client Information Packet questionnaire to complete. It will cover your employment history – from job types to job sites, military history if applicable, and medical details. Our team stands ready to walk you through the questionnaire and explain any aspect that requires clarification.

STEP 3 ▶ **Establish Your Relationship With Us**

Included in the Client Information Packet is the Retainer Agreement which describes the legal work that will be done on your claim, and the financial terms of the Agreement, which are:

- *Your lawyers do not receive a fee unless we obtain a settlement or jury award on your behalf*
- *The percentage of the award (if one is granted) that you will receive*
- *The percentage of that award we will earn as your attorneys, for handling your case*

As always, your legal team will be happy to answer any questions and concerns that you may have.

Once you have completed the Questionnaire,
and signed the Retainer Agreement and Authorization Forms,
work on your case will then begin.



▶ **Return All Documentation**

Use the postage-paid, pre-addressed envelope included in your Client Information Packet to submit the completed Questionnaire, and the signed Retainer Agreement and Authorization Forms. Moving quickly is critical in asbestos-related disease cases. To avoid any delay that could harm your case, we urge you to call with any questions as you complete the forms.



Every Step of the Way

Our law firm fights for injured and disabled Mainers with the experience of 50 years and thousands of successful cases. We devote the time, attention and rigorous analysis needed to make sure every possibility has been put to the test to ensure that you're getting the justice you deserve. And we understand how complex and confusing a lawsuit may appear and have summarized the basic progression of a case into seven steps:

Let's walk through these steps now together.

▶ 1. Preparation

This step builds the foundation of your case by gathering pertinent information such as your medical condition, its causes and effects, when and where you were exposed to asbestos, and more. Your help at this stage is invaluable, and entails completing the New Client Questionnaire described in Section One. The completed Questionnaire, along with our extensive knowledge of asbestos products and their use in Maine, gives us valuable information to work with and use to build your case. The information you provide will be closely reviewed and assessed to help decide on the best type of claim (or claims) to file and the court in which to file it. Different types of claims for mesothelioma justice exist, each with its own advantages and disadvantages, and it is important that the best type of claim for your case be properly identified.

▶ 2. Filing

This phase starts the wheels of justice rolling. The first document that gets filed with the court is called a complaint. The complaint is the basis for your case, complete with the appropriate documentation gathered and vetted during Preparation.

▶ 3. Response

After the complaint has been filed, all defendants named in your case receive a copy of your complaint and are given a chance to respond, in writing and in detail.

▶ 4. Discovery

Attorneys on both sides gather necessary information through written questions, depositions, and by producing documents.

▶ 5. Settlement

The defendant(s) in your case may choose to settle out of court before a trial and offer a financial settlement. Your legal team, advocating on your behalf, will negotiate to obtain the most beneficial settlement possible. Once an agreement is reached, it's finalized in court, and we stay with your case to ensure you receive your entire settlement award, promptly.

▶ 6. Trial

If your case goes to trial — which is the exception, rather than the rule — the process will vary by case and jurisdiction. Generally, however, it involves a jury listening to testimony, studying the evidence, and considering the arguments presented on your behalf and those made by the defense. After closing arguments from both attorneys, the jury then deliberates and renders a verdict. If the defendant is found guilty, the jury decides how much money you should receive as compensation. The judge can accept, increase or decrease the amount. If your case is being filed with a bankruptcy trust, as described in Section One, a bankruptcy trust administrator, not a judge, will review the complaint, the forms and documentation submitted, and determine the amount of compensation owed to you.

▶ 7. Appeal

Defendants may challenge the verdict by filing an appeal. Our team of attorneys will stay with you throughout the entire appeal process.

Maine Lawyers Working for Maine People

The Law Offices of Joe Bornstein has been fighting and winning for injured Mainers since 1974. In nearly 50 years, we've represented over 25,000 injured and disabled Mainers and have recovered more than \$500 million in damages and benefits for our clients. With a statewide practice and seven convenient office locations, our law firm represents injured Mainers from all 16 counties. We are proud to provide top quality legal services to Mainers of all backgrounds through the contingent fee system. That means there is never an upfront cost or out of pocket expense to our clients. Simply put, if you don't win, we don't get paid.

Today, the Law Offices of Joe Bornstein is the most recognized personal injury law firm in Maine. Our attorneys and case managers have the resources and expertise to represent Mainers in the most serious personal injury claims. We fight and win on behalf of our clients by aggressively dealing with insurance companies who work hard to defeat injury claims.

Personal injury law is a specialized area of practice that requires expert legal representation for best results, and we've achieved top recognition for our services including the maximum AV Preeminent Rating from Martindale-Hubbell for ethics and legal ability. Other awards include selection in: Best Lawyers in America – Personal Injury, National Trial Lawyers – Top 100, and Sustaining Members of the American Association for Justice. Get the help you need and the justice you deserve by putting the power and experience of our team on your side today.

That's the Bornstein Advantage.



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Free Case Evaluation



"They make you feel like family and that they really care for you. I wish I could use this team for everything."

— Clint H.





OVER
25,000
 VICTORIES
 for injured
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- Mesothelioma/Asbestos Injuries
- Motor Vehicle Accidents
- Motorcycle Accidents
- Trucking Accidents
- Bicycle Accidents
- Pedestrian Accidents
- Serious Personal Injuries
- Medical Malpractice
- Wrongful Death
- Construction Site Accidents
- Prescription Drug Recalls
- Traumatic Brain Injury
- Dog Bites

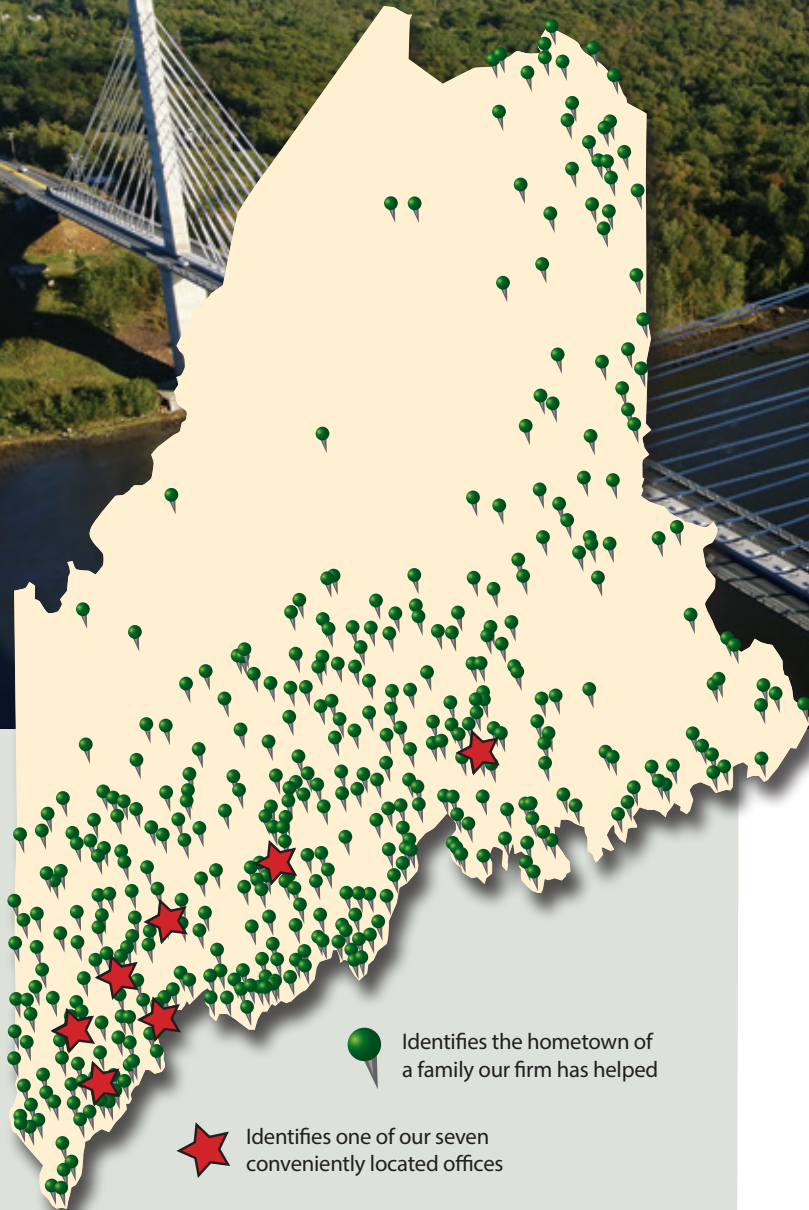
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PERSONAL INJURY ATTORNEYS

207-CALL-JOE

Free Case Evaluation



Maine lawyers working for Maine people since 1974.

"I felt they honestly worked for my best interests. They were professional, respectful, kind, and very successful in my case! I can't recommend them enough."

Molly – Portland

"I was in a serious car accident two years ago and sought legal support. I was very happy with the settlement. I strongly recommend the Law Offices of Joe Bornstein."

Bill – Lewiston

"I am very thankful for the hard work the team put into my case. They took a lot of stress away while I was at home recovering from my injury."

April – Weston

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157 Main Street

285 State Street

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