



## John P. Katerndahl

### PARTNER

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### RELATED SERVICES

- Environmental & Toxic Tort
- Asbestos & Talc
- Trial Practice
- Chemical Exposure

### OFFICES

- Irvine
- San Diego
- Los Angeles

### OVERVIEW

John Katerndahl is a Partner in the Los Angeles office of GRSM and is a member of the Environmental & Toxic Tort practice group. John represents manufacturers, suppliers, contractors, and premises owners in toxic tort, product liability, and construction cases, including cases arising out of asbestos and chemical exposures, catastrophic injury and high value property damage. John is called upon to first-chair high value mesothelioma cases in which plaintiffs routinely seek multi-million dollar awards. His clients have included Fortune 500 companies, the world's largest construction contractor, and an international chemical company. He has tried over 20 mesothelioma cases since 2003 with 15 to verdict and the balance settled after plaintiff's attorneys dramatically reduced their settlement demands during trial. He has also won defense verdicts in claimed asbestosis and lung cancer cases. Additionally, John has successfully briefed and argued appeals in asbestos cases before the California First District Court of Appeal and the

## United States Ninth Circuit Court of Appeals.

John's considerable experience in toxic tort/environmental litigation provides him with a unique ability to defend his clients' interests by investigating, evaluating, and marshalling the evidence, working with expert witnesses and participating in expert witness discovery, and serving as a first-chair trial lawyer in high value cases. He works closely with clients, developing strategies for defending the case, and ensuring that clients are notified of significant developments and provided with his recommendations as to the best course of action.

Called upon by clients and insurance claims representatives, John regularly gives presentations on various subject matters relating to toxic tort and product liability cases, including those specifically relating to trying asbestos-related mesothelioma cases and cases in which talc products allegedly caused ovarian cancer or mesothelioma. He has co-authored articles on medical-legal issues in the DRI magazine *For the Defense* and in the Practising Law Institute's *Toxic Tort Case Essentials*. As a result of his considerable trial experience, John was invited to join the prestigious American College of Trial Advocates (ABOTA).

John is originally from Denver, Colorado and presently resides with his family in Los Angeles.

## REPRESENTATIVE EXPERIENCE

- Represented an internationally known construction and engineering design company in a mesothelioma case brought by a career pipefitter/welder. The settlement demand to the client was well over a million dollars. After six weeks of trial, plaintiffs rested and the court heard and granted our motion for nonsuit after finding insufficient evidence to go to the jury on the issues of exposure and causation.
- Represented a ready mix supplier in a property damage case in which damages of over one million dollars were claimed. After a three week trial and just hours of deliberation, the jury returned a defense verdict after finding no negligence on the part of the defendant.
- Represented a joint compound manufacturer in a mesothelioma case. The jury returned a defense verdict after finding the plaintiff did not prove exposure to the defendant's product.
- Represented a joint compound manufacturer in a mesothelioma case involving a plaintiff who was a career handyman. The jury returned a defense verdict after finding no negligence, no product defect and no failure to warn.
- Represented a joint compound manufacturer in a mesothelioma case. In preparing for trial, defense counsel obtained a court order to allow an inspection and photographs of the home where the plaintiff alleged he had bystander exposure to the defendant's product during home renovations. The jury returned a defense verdict finding the plaintiff failed to prove exposure to the defendant's product.

- Represented a joint compound manufacturer in a mesothelioma case in which the plaintiff alleged para-occupational exposure to asbestos from the client's product. The jury returned a defense verdict upon finding that the plaintiff was not exposed to the defendant's product.
- Represented a manufacturer/supplier of packing and gasket products in a mesothelioma case involving a former navy machinist mate and HVAC maintenance worker. The jury returned a defense verdict after finding that the defendant was neither negligent nor strictly liable.
- Represented a joint compound manufacturer in a mesothelioma case involving a career plumber. The jury returned a defense verdict finding that the defendant's product was not defective and that the defendant was not negligent.
- Represented a joint compound manufacturer in a mesothelioma case involving a construction worker. The jury returned a defense verdict finding that the defendant's products were not a substantial factor in causing the decedent's cancer.
- Represented a joint compound manufacturer in a peritoneal mesothelioma case in which the plaintiff alleged para-occupational exposure to asbestos from the defendant's products. The jury returned a defense verdict after finding that the defendant's products were not dangerous and were not a substantial factor in causing her cancer.
- Represented a manufacturer/supplier of packing and gasket products in a wrongful death lung cancer case. The jury returned a defense verdict finding that there was no product defect, no negligence and no failure to warn.
- Represented a manufacturer/supplier of packing and gasket products in a mesothelioma case involving a career Navy machinist mate. Following a month long trial, the jury hung for several days on the question of causation. After returning a plaintiff's verdict, the trial court granted a motion for new trial based on jury misconduct and erroneous instructions. In support of the motion for new trial, seven juror declarations were submitted to establish the jury misconduct. Plaintiffs did not attempt to retry the case against the client.
- Represented a nationally known manufacturer of HVAC and other environmental control systems in a mesothelioma trial in Philadelphia. After the defense obtained favorable evidentiary rulings and cross-examined all of plaintiffs' witnesses, plaintiff attorney dropped his pretrial settlement demand by 85% and the case settled.
- Represented an oil refinery in a mesothelioma case involving an outside contractor's test engineer. The court granted the client's motion for summary judgment on the ground that there was no triable issue of fact that the plaintiff was ever exposed to asbestos due to any activities of that premises owner defendant.
- Represented a Fortune 500 telecommunications company in a mesothelioma case involving a former underground construction worker. Following two hearing on a motion for summary judgment, the dedicated asbestos judge in Alameda County Superior Court granted the motion and entered judgment in favor of the defendant. The granting of this dispositive motion was one of only two that had been granted by the judge during his several years' long tenure as the assigned asbestos judge.

- Represented an internationally known construction and engineering design company in a wrongful death auto/pedestrian case in which there was an allegedly dangerous condition on the roadway. Following written discovery and the depositions of the heirs, the case was resolved through a voluntary dismissal for a waiver of costs.
- Represented a supplier of aerospace products, including epoxy adhesives, in eighteen personal injury and wrongful death cases over a three year period. Of the eighteen cases, seventeen were disposed of through voluntary dismissals or orders granting summary judgment and one by way of a nuisance value settlement.
- Represented a ready mix cement company in a construction defect property damage case brought by a school district against the general contractor, subcontractors, and the ready-mix supplier. After conducting discovery and participating in a one day mediation, the client was dismissed for a waiver of costs.
- Represented a manufacturer of asbestos-containing thermal insulation products in two appeals from orders granting summary judgment. After briefing and oral arguments before the First District of the California Court of Appeal, the reviewing court affirmed the judgments in the client's favor.
- Represented a French company that manufactured high voltage electrical cable in a personal injury action in which a lineman claimed an electrical shock that resulted in chronic pain syndrome and the partial loss of the use of an arm. Following extensive discovery, including depositions in France, the case resolved for an amount which was well below the seven figure settlement demand and several times less than that paid by the co-defendant in the case.
- Represented a manufacturer in a mesothelioma case in which the plaintiffs' attorney requested \$26,000,000 in damages in closing argument. Following a defense verdict, the case received media attention given the extremely high damages sought and the jury's stark rejection of the plaintiffs' claims.
- Represented an internationally known construction contractor and engineering design company in a mesothelioma case. A motion for summary judgment was brought on behalf of the client and heard just weeks before trial. The plaintiffs' attorney made a settlement demand of over half a million dollars and threatened to raise it if the defendant proceeded with the motion for summary judgment. Following oral argument, the judge granted the motion and entered judgment in favor of the moving defendant finding that there was no triable issue of fact that the plaintiff was exposed to asbestos for which the defendant was responsible.

- Represented a nationally known chemical manufacturing company in eight Los Angeles cases in which the plaintiffs alleged a variety of injuries from chemical exposures for which they alleged the defendant was responsible. Included in those was a case involving a catastrophic injury from a laboratory explosion in which the plaintiff, a Ph.D. chemist, lost one arm up to his elbow and suffered additional serious injuries when he heated and stirred a chemical mixture that included the client's product. After litigating those cases during a three year period, the results were voluntary dismissals in six of those actions, one dismissal following an order granting summary judgment and one nuisance value settlement for \$4,500.00 in a confirmed bronchiolitis obliterans ("popcorn lungs") Diacetyl case. In the catastrophic injury laboratory explosion case, the client received a dismissal with a waiver of costs.

## CREDENTIALS

### Admissions

- California
- U.S. District Court Northern, Eastern and Central District of California
- U.S. Court of Appeals 9th Circuit

### Memberships

- American Board of Trial Advocates (ABOTA)

### Education

- J.D., University of San Francisco School of Law, 1986
  - California Supreme Court Judicial Extern
- B.A., Stanford University, 1983
  - Major: Human Biology
  - Major: Political Science

### Languages

- Italian