

Sixth Circuit Interprets Kentucky’s “Substantial Factor” Test for Causation in Asbestos Cases

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By: Craig T. Liljestrand

In the February edition of his Chicago Law Bulletin column, Hinshaw attorney Craig Liljestrand – a member of the firm’s Product Liability and Toxic Torts practice groups – reviewed a recent Sixth Circuit Court of Appeals decision that interpreted Kentucky’s “substantial factor” test for causation in asbestos cases.

Liljestrand explained that the plaintiff in the case was a former Navy veteran, who was allegedly subjected to asbestos-laced dust while working in the engine room of a Navy destroyer. Later, he was allegedly subjected to asbestos dust while working as a drywall finisher. In 2011, he was diagnosed with mesothelioma. He sued the manufacturer of the drywall products, seeking punitive damages under theories of strict liability and negligence. The Sixth Circuit, in a 2-1 ruling, found that the plaintiff could not show that the drywall products were a “substantial cause” – i.e. probable cause – of his mesothelioma. Under Kentucky law, asbestos claims must demonstrate that the charged exposure was a “substantial factor” in causing the alleged injury.

[Read the full article](#) (PDF)

[“‘Substantial factor’ makes asbestos cases a little different in one state”](#) was published by the Chicago Daily Law Bulletin (*subscription required*)

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