

Craig Liljestrand CDLB Column: Ohio Supreme Court Determines R.C. 2307.96 ‘Substantial Factor’ cannot be met through ‘Cumulative-Exposure Theory’

In The News | 1 min read

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Hinshaw partner Craig Liljestrand has published his latest *Chicago Daily Law Bulletin* column titled “Cumulative asbestos effect loses out.” The article analyzes the case of *Schwartz v. Honeywell International Inc.*, Slip Opinion No. 2018-Ohio-474 (Feb. 8, 2018), where the Ohio Supreme Court was called upon to determine whether the “statutory construction of R.C. 2307.96, a ‘substantial factor’ requirement may be met through a ‘cumulative-exposure theory.’”

Liljestrand discusses the court’s decision, in which the Court found that the “cumulative exposure” theory is incompatible with the plain language of the statute. First, R.C. 2307.96 requires an individualized determination for each defendant; second, the theory conflicts with the statutory requirement that substantial causation be measured based on the manner, proximity, length and duration of the exposure; and third, it does not consider the relationship different exposures may have to the overall dose to which an individual is exposed.

Read “[Cumulative asbestos effect loses out](#)” (PDF)

You can also read “[Cumulative asbestos effect loses out](#),” on the *Chicago Daily Law Bulletin* website (*subscription required*)

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