

MESOTHELIOMA

A Primer In Latent Diseases



Alex R. Hernandez Jr.

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ALEX R. HERNANDEZ JR.

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TESTIMONIALS

“Where can I start; I have known Attorney Alex Hernandez since 2005. I have had the pleasure to have him represent me on many, many occasions. He represented me when my daughter was killed and helped me receive a good sum of money. And then again in 06, he surprised me when we went up against Speedy Stop. He won again. I hired him for a couple of DUI (not on me) and he did extremely well. One was just a fine and he had them drop several other charges. He is dependable and honest and just a phone call away, day or night. Once he was ready to use his personal belongs to help out. He has given advice and helped go up against my city. I have recommended Attorney Alex Hernandez to my family and friends and they have hired him with very good results. If he cannot help you, he will be honest to tell you before taking your case. From divorce, family violence, child support, DUI, personal injury, declarations, he is your guy. It is hard to say what case he handles from arbitration to social security.”

- Elva H.

“I have known Alex R. Hernandez Jr. for almost 14 years. He's not only a great attorney, but also a good friend. He always offers great advice. He's super smart in many areas of the law. He takes great passion in helping people. When he fights, he fights to win! Through the years of knowing Alex, I have hired him for numerous occasions -- for my business ventures, my son in a car accident, legal matters involving an 18 wheeler, and numerous personal injury cases. He represented some of my friends as well. I highly recommend Alex R. Hernandez, Jr. in any legal or business matter. He's also very friendly and trustworthy. He takes great pride in his reputation and his practice. He is the best!!”

- Margie

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INTRODUCTION & EXPERIENCE WORKING WITH MESOTHELIOMA CASES



I am a trial lawyer, based in Corpus Christi, Texas. I have been handling asbestos and mesothelioma cases for almost 20 years. I started handling defense of these types of cases with a large firm here in Corpus Christi. We did asbestos claims and silica claims for some of the larger refineries in the area.

When I started on my own, I switched to handling claims on the plaintiff's side, because I knew a lot of people who had been affected by asbestos and mesothelioma. My grandfather worked at a refinery with

a lot of people who were exposed to asbestos, back before people knew what it was and what it caused. Once you get the diagnosis, there is not a long life expectancy, and that really saddened me.

CHAPTER 1

WHAT IS MESOTHELIOMA AND HOW IS IT CAUSED?



Mesothelioma is a latent disease. It is a cancerous scarring of the lungs and it is caused by the inhalation of asbestos fibers. Asbestos is a fire retardant material that was used everywhere at one time; it was used in packing; it was used in blankets; it was used in gaskets; they put it around water heaters and pipes. You would have to take it off at some point and put something else on. It was not until the late 1970s that it became apparent that asbestos was not a safe product.

Not knowing what it was, a lot of workers were not putting the proper safety equipment on when removing asbestos. They were not wearing masks or putting any kind of protective device on their face to prevent it from getting it into their lungs. Once you breathe it in, it stays there. It is a microscopic fiber that goes into your lungs, stays there, and could remain dormant for 20 or 30 years before making you sick.

How Rare Is Mesothelioma?

Mesothelioma is not a common cancer; it is not a common disease. Not everyone who has worked with asbestos has mesothelioma. A lot of fortunate people do not get the disease. Even those who have been diagnosed with asbestos scarring on their lungs may not develop mesothelioma.

The Signs And Symptoms Of Mesothelioma

The signs and symptoms are very similar to Chronic Obstructive Pulmonary Disorder (COPD). I see clients who exhibit the signs of not being able to breathe properly, and they never smoked in their life. They would

never expect to have emphysema or pneumonia or COPD. They will come to me and I will help them go through their work history and find out when and where they were exposed to asbestos, and then send them to the doctor for a diagnosis.

Can People Not Directly Exposed To Asbestos Get Mesothelioma?

I have represented some spouses who have suffered from asbestos damage, due to exposure through their husbands. Asbestosis fibers are microscopic; they cannot be seen on the clothes being handled during laundering.

Latency Period In Mesothelioma

Latency just means dormant. Mesothelioma is dormant until symptoms appear. It is not an acute disease, it is a latent disease. It may be 20 years or even 40 years down the road before you exhibit symptoms.

Where Was Asbestos Used? Why Is It Still Being Used?

Asbestos is a very effective fire retardant. It was used anywhere and everywhere that fire retardant was needed. We still have asbestos in homes today. When remodeling an older house, you may encounter floor tiles, drywall, or packing on the pipes with asbestos in them. There are many, many operational old buildings that have never been remodeled, that have asbestos in them. Removal requires a special team to come and do asbestos remediation, which is very costly.

Asbestos remediation teams have to cover the whole area up and, wearing masks and hazard suits, they pull the asbestos off the material that may contain it. They have kits that show whether or not there is the indication of asbestos in a product. Asbestos it is no longer actively sold in United States, but it is still present in many homes and buildings.

When Did The Mesothelioma Cases Start Coming To Light?

In my own study of the cases and the law on asbestosis and mesothelioma, I have seen the disease indicated in the 1970s, significantly in the late 1980s. At that point one company, Johns Manville, filed bankruptcy and created the idea of an asbestos claims trust. There was a very high volume of cases from the late 1970s to the late 1980s. Then, in the 1990s, it started to become rarer because of the removal of asbestos products. There are still trusts out there; they have gathered, cumulatively, about \$30 billion. There is still money for people who are affected by asbestos, if they file a claim.

Are These MDL Or Individual Type Cases What Are MDL Cases About?

Mesothelioma cases are not multi district litigation anymore. At one point, the judge allowed expedited discovery, where everything was put out and all these people were going to be able to take depositions and settle and close these claims. Then, there was a

ruling that did away with multi district litigation, requiring an actual diagnosis of mesothelioma in order to go forward with any claim. Now it is an individual claim against each company that might have set up a trust for these claims.

CHAPTER 2

AT WHAT STAGE OF ILLNESS DO PEOPLE FILE A CLAIM?



It is often the families coming in after the person has already died, wanting to know if the claim is there because they have the death certificate with the autopsy stating mesothelioma as the cause of death. At the very least, a person would need an official diagnosis before filing a claim.

What Components Are You Looking For As An Attorney For A Viable Mesothelioma Case?

I need a diagnosis, proven through medical records, or mesothelioma on a death certificate. There is a lot of work that goes into these cases and we are not doing this in volume, so we try to narrow it down to where they have gotten their mesothelioma already diagnosed.

Am I Eligible To File A Wrongful Death Case For A Family Member Who Died Of Mesothelioma?

You can make a claim as a wrongful death beneficiary against the asbestos claims trust or the individual companies.

What Is The Statute Of Limitations On This Case If Any?

There is a two-year statute of limitations from the day the person dies or from the day it is discovered that the person died from mesothelioma.

Where Should A Person File The Lawsuit And Can I Sue In More Than One State?

If you sue specific companies, you can sue in more than one state. If the company that you got exposed by is located in California, you can file that asbestos claim in California. If you have a company that is based in New Jersey, you can file that claim in New Jersey.

What Information Should I Bring To My First Visit Or Meeting With You?

If you get your social security records and bring those that will show me where you have worked. I can ask you what you did or what crew you were on to pinpoint where I think your exposure was. Also, bring an actual record that shows your diagnosis, or the death certificate of your loved one.

What Is Expected Of Me If I Do Decide To Pursue This Case?

In some of these claims, you have to do certain things in order to get the claim set up and you have to

provide your evidence. You have to get a statement from the doctor. You have to show where the exposure was and how you believe that the exposure created the claim. Sometimes, that requires time, patience, and trust in your attorney.

CHAPTER 3

WHO AM I SUING?



You are suing the company that created the product that caused you to develop mesothelioma. A lot of the companies have trustees set up, who are settling the claims on behalf of the companies. There is a whole list of companies that produced or manufactured asbestos.

What If I Do Not Remember Where Exactly I Was Working When I Was Exposed To The Asbestos?

If you do not remember where you worked, then we are going to ask you questions about what you were

doing. Were you mining? Were you milling? Were you demolishing? Those are questions I will ask to try to jog your memory of your work history. I may also ask for your social security records.

If Those Things Cannot Be Determined Or Perhaps Just Source Of The Asbestos Itself Cannot Be Determined, Does That Mean My Case Is Doomed?

We can still try to make a claim against the trust, if we can prove sufficiency with regards to your diagnosis. We can get close enough to figure out where you might have been exposed and let the trustee make the determination whether that claim is sufficient enough to warrant a distribution.

What Evidence Or Information Is Important For My Attorney To Have In Building My Case?

In order to prove your case, your attorney needs specific information, like products and brand names. If you can remember specifically which products you worked with, what the packaging looked like, and what you did, that is extremely helpful.

Why Do Mesothelioma Lawsuits Matter?

These cases matter because we have got a family member who has been diagnosed and, suddenly, they do not have very long to live. These people did not ask to be exposed to this. They should have warned about it. They and their families deserve help.

Get A Second Opinion

If you are diagnosed with lung cancer or asbestosis, get a second opinion. If you have asbestosis, make sure that you have regular checkups to make sure not that you do not develop mesothelioma at a later date.

CHAPTER 4

DAMAGES AVAILABLE IN MESOTHELIOMA CASES



Your scheduled value is what you look at in these cases. If you have mesothelioma, you are going to have a maximum damage model and a minimum damage mode, depending on where you worked, how long you were exposed, who you are working for, and what kind of stage you are in with your mesothelioma. The average value of mesothelioma cases is about \$120,000.

If it is really, really bad and there was a very long drawn-out exposure, and there was a longer time period you could have lived, but for the fact that you got mesothelioma, your reduced life expectancy could have an effect on the damage award. In those cases you could be awarded over a million dollars.

What Happens If The Company That I Was Working For Is Out-Of-Business Or Bankrupt?

The asbestos claims trust are for each company that filed bankruptcy. Every company might have filed bankruptcy to protect themselves and each one of those probably has an asbestos claim trust. The company may have gone through bankruptcy but there is money there that has been set aside.

Can I Get Veterans Assistance Disability Or Workers Compensation Benefits And Still Receive A Settlement From The Asbestos Trust Funds?

A disability claim has nothing to do with your claim against the asbestos claim. The asbestos claim is based on the injury that you have because of the exposure to asbestos.

How Long Do These Cases Generally Take To Find Some Sort Of Resolution?

If everyone has all of their documents in order, knows exactly where they worked, exactly what they did, and exactly what they worked with, then we can just send the claim off to the settlement trust. That takes a couple of months to start getting disbursements from the trust. If it takes longer, it is because you do not have all the information.

Do Most Of These Cases Settle Or Do Most End Up Going To Trial?

Most cases settle and that is why they have the trust set up. As long as we have all the correct information, they will acknowledge that they have the trust, that you are entitled to the trust, and you will get a percentage of that trust. The only cases that go to trial are the ones where there is a question of whether or not the exposure caused the mesothelioma.

CHAPTER 5

HOW CAN I AFFORD LEGAL HELP WITH LIMITED MEANS?



We handle these cases on a contingency fee basis, which means that you do not have to pay anything out-of-pocket. We take the risk, we put the burden on ourselves to make the claims, in an effort to get some sort of return. We will pay for the cost to get your social security records and your medical records and anything else that is necessary to prove your case. Then, we will take a percentage of your settlement as our fee.

What Do You Think Sets You And Your Firm Apart In Handling These Special Types Of Cases?

I have got a lot of experience on both sides, both the plaintiff and the defendant companies. We handle these cases nationally; we have connections with other law firms that we can partner up with. I am on the exchange for the asbestos information with the American Association of Justice, so I have first-hand knowledge of what is going on, especially any new laws being passed.

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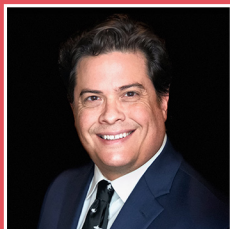
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NOTES

MESOTHELIOMA

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What is Mesothelioma?

Mesothelioma is a rare and aggressive cancer. It is caused by asbestos and forms on the protective tissues covering the lungs, abdomen and heart. A mesothelioma diagnosis is a serious diagnosis that could have been just waiting there to happen even years after the exposure.

Alex R. Hernandez and his team are ready to help you with your asbestos claim if you believe you have a claim from wrongful exposure

at refineries or other work places, or exposure to products with asbestos. Don't delay, time is running out.

Alex can help. His experienced team of lawyers will ensure a hassle-free process so that you have more time to spend with family and take care of your health.

Mesothelioma treatment is not cheap. The expenses can mount very fast. On your part, you must save your medical records and financial data and make these available to your lawyer. Constant exposure to asbestos, which can lead to mesothelioma, is preventable. Depending upon the particulars of your case, Alex and his team can advise you on whether to file a case or opt for a settlement. In the case of the latter option, you could get compensated without ever visiting a court or getting involved in legal issues. Bankrupt asbestos companies have pooled nearly \$40 billion in trust funds to compensate mesothelioma patients.

Alex and his attorneys' experience in handling mesothelioma cases helps you pinpoint the reasons for your condition. They understand what you're going through and they will handle the entire process and take your help only where necessary. You can rest assured that they will leave no stone unturned to gather proof, interview witnesses, and ensuring that they have all the right records to present a strong case.

It is advisable to speak to a lawyer as soon as you learn about the diagnosis. Leaving it for later may deprive you of the chance to claim compensation. The time window during which you can file a claim varies from state to state. The earlier you take the legal route, the better are your chances of being compensated.

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