

Toxic Tort Quarterly Briefing

2026 Q1 | Issue 1

Analysis of litigation trends, rulings and strategic developments affecting toxic tort defense nationwide

Baker Sterchi's Toxic Tort Practice Group is pleased to present its inaugural newsletter. In each issue, we will share timely updates on court rulings, legislation and emerging trends shaping toxic tort litigation, along with practical insight for clients and industry partners.

Our team defends clients nationwide in toxic tort, mass tort and environmental litigation involving alleged exposure to chemicals, hazardous substances and injurious emissions. We guide clients through complex scientific, medical and regulatory issues in multiparty litigation, consolidated proceedings and class actions, applying practical strategies and coordinated defense approaches tailored to their industries and business goals.

For questions about developments discussed in this issue, contact Toxic Tort Practice Group co-chairs Greg Odom or Meghan Kane. For additional insight and ongoing analysis on a range of issues, follow [Baker Sterchi's blogs](#) and connect with us on [LinkedIn](#), [Facebook](#) and [Instagram](#).

GENERAL NEWS

Plaintiffs' Toxic Tort Law Firm Sued for Fraud and RICO Violations

| by Greg Odom

On January 28, 2026, J-M Manufacturing Company, regularly named as a defendant in toxic tort litigation, sued The Gori Law Firm and several of its partners. In the [complaint](#), J-M alleges that The Gori Law Firm and attorneys at the firm developed a scheme to elicit false testimony from plaintiffs and witnesses in asbestos lawsuits to extract settlement money from J-M. According to the complaint, a whistleblower revealed details of the purported scheme.

In short, J-M alleges that The Gori Law Firm developed a “bounty” system under which attorneys were compensated for coaching clients to provide deposition testimony that they were exposed to products associated with defendants named on a “bounty list.” Apparently, the bounty list contained defendants that were seen as easy targets for settlement or that angered Gori attorneys.

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J-M previously sued Simmons Hanly Conroy and Sokolove Law. In that case, J-M alleged that the plaintiffs' firms schemed to defraud defendants in asbestos litigation. The suit was based on information contained in a lawsuit filed by former Simmons partner Scott Peebles. On March 18, 2025, court dismissed the complaint. Subsequently, however, the court granted J-M's motion to alter or amend the judgment and granted J-M leave to file a [first amended complaint](#). The case is currently pending in the District Court for the Northern District of Illinois.

We are closely monitoring these lawsuits and will provide updates in future newsletters.

Perrin Conferences Highlight Talc Exposure Claims on the Rise in Asbestos Litigation and Cook County's Increasing Prominence

| by Christina Dubis, Meghan Kane, Greg Odom

Baker Sterchi attended the most recent Perrin National Asbestos Litigation, Talc Litigation, and Cook County Asbestos Litigation Conferences. These conferences highlighted a trend in toxic tort litigation. Namely, that plaintiffs' attorneys are highly focused on talc exposure in toxic tort litigation.

While joint compound cases have historically been pursued for the use of asbestos in the product, many plaintiffs' firms are now pursuing the theory that not only does raw asbestos in the product cause their client's disease, but also talc in the product. When combined with raw asbestos and talc, the plaintiff-driven panels at the conferences announced that joint compound, which was once considered only an 8-10% asbestos-containing product, is now a "mostly asbestos-containing product." The plaintiffs' attorneys indicated that they believe there is virtually no such thing as asbestos-free talc. Additionally, these joint compound cases are on the rise, as the plaintiffs' firms are clinging to the allegation that the product never became "asbestos-free," if joint compound continued to contain talc as an asbestos-free alternative.

The panels also highlighted a proposed change by The Food and Drug administration (FDA) on December 27, 2024, requesting a reform in the Federal Rules for the testing of talc-containing cosmetic products, emphasizing again, increased awareness that talc should be labeled as a carcinogen, and pointing out that even the International Agency for Research on Cancer (IARC) reclassified talc from a "possible" carcinogen to "probable" carcinogen on July 5, 2024.

At the conferences, the defense bar continued to point out the various flaws in the testing methods used by *the* plaintiffs' bar. Counsel provided examples of situations where there was virtually no possibility that talc caused a person's disease. An example of that is a case where a plaintiff developed mesothelioma and underwent a talc pleurodesis. Prior to such treatment, he had tissue biopsied and a fiber-burden analysis was performed on part of that tissue. Additionally, after said treatment, he had another fiber-burden

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analysis of his tissue. In comparing the asbestos fiber burden analyses, there were no amphibole asbestos-fibers of similar type that existed in the talc that were found in the plaintiff's lung tissue prior to or after the talc pleurodesis. In other words, the amphibole asbestos was present prior to and after the talc pleurodesis, regardless of the plaintiff's exposure to the talc from the talc pleurodesis.

Defense attorneys also noted recent studies finding no association between talc exposure and the development of mesothelioma. These studies include "A systematic review of the epidemiology evidence on talc and cancer," Boon, *et al.*, Crit. Rev. Toxicol. July 2024, 54(6):394-417, and "Historical cosmetic talc consumption and incidence of mesothelioma in the United States," Roberts, *et al.*, Int. J. Environ. Health Res., April 2025, 35(4):972-980.

During the Cook County Asbestos Litigation Conference, plaintiffs' attorneys indicated that they are seeking higher settlement values due to nuclear verdicts in Cook County and the increased ability to sue premises owners (thanks to Illinois eliminating the workers' compensation exclusivity defense in asbestos litigation and expanding the scope of general jurisdiction). Recognizing Cook County as an extremely pro-plaintiff venue, in 2025, an increasing number of plaintiffs' firms filed asbestos lawsuits in Cook County. Previously, Cooney & Conway and Vogelzang Law filed nearly all such lawsuits in Cook County.

Finally, during the Talc Litigation Conference, plaintiffs' attorneys indicated that they are increasingly making "social inflation" arguments at trial. The argument goes that the cost of living is higher; therefore, verdict amounts should increase. They also claim that jurors are influenced by social media – namely, the perception that people are living luxuriously based on social media posts.

ILLINOIS NEWS

Illinois Broadens Scope of General Jurisdiction Over Corporations in Toxic Tort Litigation

| by Greg Odom

In August 2025, Illinois Governor J.B. Pritzker signed Illinois Senate Bill 328. With this, Illinois significantly expanded the scope of general jurisdiction over foreign corporations. Now, in toxic tort litigation, corporations that are registered to do business in Illinois maintain the right to transact business, or transact business in Illinois without authority consent to general jurisdiction. Baker Sterchi Toxic Tort Practice Group Co-Chair Greg Odom previously wrote a series of blog posts on this topic, titled "Illinois Governor Signs Senate Bill 328, Further Stacking the Deck Against Defendants in Toxic Tort Litigation," including potential challenges to raise to the new law, which can be found via the following links:

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- [Part 1](#), Background leading to Public Act 104-0352
- [Part 2](#), Historical consent and waiver principles and how they shaped jurisdiction defenses in Illinois.
- [Part 3](#), Breaking down the 2023 Mallory Supreme Court decision and how it paved the way for Illinois to enact S.B. 328.
- [Part 4](#), The substance of PA 104-0352 and how consent general jurisdiction now applies.
- [Part 5](#), Potential challenges to PA 104-0352 and strategies for contesting jurisdiction.

Madison County/St. Clair County

| by Meghan Kane

September 5, 2024, began a new era for the Madison County Standing Case Management Order for All Asbestos Personal Injury Cases in that it was revised for the first time since 2016. The revised Order removed the prior limit of cases the plaintiffs' bar could file in one year and opened the door for unlimited filings. Judge Andrew Carruthers, who was previously appointed as an Associate Judge for the Third Judicial Circuit of Madison County, Illinois, in 2021, and became the presiding asbestos judge in late-2023, led the charge along with former (now retired) Chief Judge Stephen Stobbs to make the revisions to the Standing Order. The revised Standing Order also eliminated the limit on cases that could be set for trial on a docket. For more information on the Standing Order revisions, see Baker Sterchi's prior blog post on the subject [here](#).

While the Standing Order opened the pathway, according to KCIC's Mid-Year Insights and Projections, asbestos lawsuit filings in Madison and St. Clair Counties are down based on filings received by July 31, 2025. While Madison and St. Clair Counties remain the top 2 counties for asbestos litigation in the country, there has been a 3.3% decrease in filings in Madison County since 2024 at the mid-year point (488 in 2024 compared to 472 in 2025) and a 28.1% decrease in filings in St. Clair County (399 in 2024 compared to 287 in 2025).

Cook County Judge Grants Motion to Dismiss for Lack of Jurisdiction

| by Greg Odom

In an asbestos lawsuit, asbestos docket Judge Maureen Slattery-Boyle granted a defendant's motion to dismiss for lack of jurisdiction. In that case, the plaintiff alleged that the decedent was exposed to asbestos through her late husband's work clothes. Her husband worked for Robert Bosch, LLC in Illinois from 1968 to 2009. The plaintiff alleged that defendant Mercedes-Benz USA ("MBUSA") selected Bosch as a parts supplier and induced the decedent's husband to travel to various MBUSA dealerships, where he allegedly was exposed to asbestos.

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MBUSA argued that it was not subject to specific jurisdiction because there was no evidence that the decedent's husband visited any MBUSA dealerships located, or otherwise was exposed to asbestos by MBUSA, in Illinois. The only witness testimony in the case established that the decedent's husband visited MBUSA dealerships located in California, not Illinois. Any products he worked on while employed by Bosch were manufactured by Bosch, not MBUSA.

The plaintiff argued that MBUSA was subject to specific jurisdiction because it used Bosch as a parts supplier and induced the decedent's husband to travel to multiple MBUSA dealerships, where he was exposed to asbestos. Bosch had its U.S. headquarters in Illinois. Plaintiff also argued that MBUSA maintained a regular presence in the State of Illinois.

On December 5, 2025, the court granted MBUSA's motion to dismiss, although it did so through a one-paragraph order with no explanation. As of the time of this writing, the plaintiff has filed a motion to reconsider the ruling.

The case is *Lange v. A.W. Chesterton*, No. 2025-L-002494.

Illinois Appellate Court Finds Defendant Subject to Personal Jurisdiction in Baby Formula Case

| by Greg Odom

In December 2025, the Illinois Fifth District Appellate Court found that defendant Mead Johnson was subject to both general and specific jurisdiction in a lawsuit alleging injuries from ingesting infant formula. Mead, a Delaware limited liability company, argued that it was not subject to general jurisdiction because its "nerve center" was not located in Illinois at the time suit was filed. According to the court, however, Mead's corporate headquarters were located in Illinois from 2009 to 2018. Moreover, the plaintiffs alleged that Mead continued to hold itself out as an Illinois company in government filings through 2001. The court believed it was significant that Mead's corporate headquarters were located in Illinois during the time its challenged conduct occurred related to the infant formula at issue. The court also noted that even after moving its headquarters, Mead continued to maintain substantial and continuous contacts sufficient to render it home in Illinois.

As to specific jurisdiction, Mead argued that the cause of action did not arise out of or relate to any of its contacts with Illinois since none of the plaintiffs alleged that any infant at issue consumed a Mead product in Illinois, developed illness in Illinois, or were treated in Illinois. The court, however, found that the plaintiffs asserted several claims related to infants' use of Mead formula that Mead confirmed it actively marketed in Illinois since 2000, which is the year the first plaintiff infant was born. The Court further

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highlighted Mead's contacts with Illinois, including contracting with Illinois hospitals to provide formula, supervision of the contracts by Mead employees in Illinois, placing its products into the stream of commerce, and benefiting from an exclusive contract to provide formula for the Illinois WIC program.

The case is *Toles v. Mead Johnson & Co.*, 2025 IL App (5th) 231205. We are monitoring whether Mead files a petition for leave to appeal to the Illinois Supreme Court or seeks other relief from the appellate court's decision.

Fashioning Justice: Lack of Expert Testimony Unravels Defective Uniform Case

| by Greg Odom and Andrew Podjenski

In 2025, the District Court for the Northern District of Illinois granted two defendants *Daubert* motions in a toxic tort lawsuit alleging injury from exposure to chemicals used in airline uniforms. According to the court, the plaintiffs' expert witnesses failed to provide a plausible biological theory of exposure, because any such theory had not been tested, peer reviewed, or scientifically accepted. The court also noted that the plaintiffs' experts failed to show any statistical association between exposure to the uniforms and the plaintiffs' alleged injuries.

The case is *Zurbriggen v. Twin Hill Acquisition Co.*, No. 1:17-cv-5648. More information regarding the court's ruling can be found [here](#).

KANSAS NEWS

Kansas Court of Appeals Allows Setoff in FELA Asbestos Verdict

| by Greg Odom

In January 2026, the Court of Appeals of Kansas reversed a ruling by the Wyandotte District Court denying a defendant's request for a setoff in a toxic tort lawsuit. In that case, the plaintiff sued BNSF, alleging that her late husband developed mesothelioma caused by asbestos exposure he experienced while employed by BNSF. Plaintiff brought suit under FELA.

At trial, the jury awarded the plaintiff \$1.5 million. BNSF asked the district court to reduce the verdict to account for over \$650,000 the plaintiff had been paid through settlements and bankruptcy trust claims. The district court denied BNSF's request, holding that FELA prohibits setoffs.

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On appeal, the plaintiff argued that FELA only mentions setoff as it relates to any amount a railroad contributes to an insurance or relief fund for the employee's benefit. She maintained that because FELA referenced this type of setoff and was silent as to the type of setoff sought by BNSF, Congress intended the Act to implicitly bar a damages setoff in FELA cases. The court disagreed, noting that courts across the country have long recognized that other types of equitable relief and adjustments are available in FELA cases. The court ultimately reasoned that if Congress wished to limit such equitable considerations in railroad litigation, it could have done so by adopting statutory language to that effect, but it did not.

Since FELA did not address the permissibility of a damages setoff, the court looked to common law at the time FELA was enacted. Based upon its review of common law at that time, the court determined that BNSF was entitled to a setoff by the amount the plaintiff had received as compensation for the decedent's injuries. As to the amount of the setoff, the court found that BNSF was entitled to a dollar-for-dollar setoff for any payments the plaintiffs received from any non-FELA sources.

The case is *Kemper v. BNSF Ry. Co.*, No. 126,956, 2026 Kan. App. LEXIS 7.

MISSOURI NEWS

Mixed Summary Judgment Ruling in Missouri Asbestos Litigation

| by Greg Odom

In December 2025, Judge Joseph Whyte issued a mixed-bag ruling on a defendant's motion for summary judgment in an asbestos lawsuit. The plaintiff alleged she was exposed to asbestos through a variety of sources, including molding material manufactured by defendant Rogers Corporation. She specifically claimed that her employer used asbestos-containing molding compounds manufactured by Rogers.

Rogers argued that it was entitled to summary judgment because the plaintiff testified she never saw any raw Rogers molding materials, never worked in the room where "pills" were made with raw molding, and the dust she was exposed to came from the pills when she handled and worked with them. Rogers also argued that it owed no duty to the plaintiff because it was not foreseeable that a purchaser of its molding compound would use the product in a manner at odds with existing federal safety regulations. According to the defendant, the plaintiff's employer used raw molding compound while failing to adhere to OSHA regulations designed to limit asbestos dust.

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In response, the plaintiff argued that Rogers manufactured and sold asbestos-containing molding compounds without proper warnings and that she was exposed to said compounds. She also argued that her employer's intervening negligence did not absolve Rogers of liability.

The court found that disputed material issues of fact existed regarding whether the plaintiff handled Rogers's asbestos-containing materials and whether the plaintiff was exposed to asbestos fibers from those products. As to Rogers's OSHA argument, the court deemed this an evidentiary matter to be considered at trial.

Finally, the court found that the plaintiff's spoliation of evidence claims must be dismissed. According to the court, Missouri does not recognize an independent cause of action for spoliation. Rather, in Missouri, spoliation is a rule of evidence.

The case is *Eckles v. A.W. Chesterton Co.*, No. 2422-CC11407.

OREGON NEWS

Oregon Federal Court Dismisses Asbestos Claims for Lack of Personal Jurisdiction

| by Greg Odom

In January 2026, the District Court for the District of Oregon granted defendant Alfa Laval's motion to dismiss in a toxic tort lawsuit. The plaintiff alleged that he was exposed to asbestos during his childhood in Oregon and while serving in the Navy aboard the USS Bennington. During the plaintiff's alleged exposure period, Alfa Laval manufactured oil purifiers. However, it did not supply any purifiers for installation on the USS Bennington to any location in Oregon. Rather, such purifiers were delivered to shipyards in other states.

The plaintiff argued that Alfa Laval's current business activity in Oregon was sufficient to establish specific jurisdiction. The court noted that the plaintiffs failed to show that Alfa Laval's current business activity in Oregon is the same business that gave rise to the plaintiff's claims. In other words, the plaintiff alleged injury arising from an Alfa Laval asbestos-containing product but provided no evidence that Alfa Laval's current business activity in Oregon involves production of asbestos-containing products.

The plaintiffs also argued that while Alfa Laval may not have shipped its purifiers to Oregon for installation aboard the USS Bennington, it was aware that its products would be installed on Navy ships that likely would travel all over the world. The court explained that the plaintiffs provided no legal authority to support

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this argument, and the argument also contradicted Supreme Court precedent. The actions of a third-party, such as where the Navy sends its ships, are not enough to establish specific jurisdiction.

The case is Thrasher v. Air & Liquid Systems Corp., No. 3:25-cv-00926-AB.

WASHINGTON NEWS

Washington Court Broadens Employer Liability for Latent Disease Claims

| by Megan Coluccio

On May 29, 2025, the Washington State Supreme Court issued a landmark decision expanding the “deliberate injury” exception to state workers’ compensation immunity in *Cockrum v. C.H. Murphy/Clark-Ullman Inc.* 569 P.3d 287, 2025 WL 1523125 (Wash. 2025). This decision modifies precedent, making employers more liable for asbestos-related illness, by allowing workers with latent diseases, *i.e.*, conditions like mesothelioma, which manifests years after asbestos exposure, to sue their employers outside the workers’ compensation system.

The Washington Industrial Insurance Act (IIA) generally provides immunity to an employer from personal injury lawsuits by employees as part of the state workers’ compensation insurance framework. Employers can be held liable if they have actual knowledge of exposures to a toxin or substance “virtually certain” to cause a disease and willfully disregard that knowledge. The “virtual certainty” approach by the Court in *Cockrum*, is a departure from precedent in a 2014 case, *Walston v. Boeing Co.*, 181 Wn.2d 391, 334 P.3d 519 (2014), where the employer was entitled to summary judgment because the employee could not demonstrate a deliberate intention by way of the employer’s knowledge that injury was “absolutely certain” to occur (from exposure to asbestos).

The *Cockrum* Court provided guidance for future cases, describing four non-exclusive factors that can demonstrate “virtual certainty” of injury:

1. The employer’s knowledge of ongoing, repeated development of symptoms of latent diseases over time;
2. The employer’s knowledge that other employees similar to the plaintiff developed symptoms;
3. Whether those symptoms developed prior to the plaintiff employee being exposed to the toxin;
4. Whether the exposure arises from a common major cause within the employer’s control.

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Distilled, the first factors addresses whether the employer generally knows a substance causes a disease, with the second and third factors considering whether the employer knew that some of its other employees had experienced disease symptoms before the specific plaintiff was exposed to the substance, and finally, the fourth factor focuses on whether the exposure was something within the employer's control.

The impact of this decision will likely increase the number of asbestos-related claims against employers in Washington, as many claims were previously barred by workers' compensation immunity. While plaintiffs will still be required to show that an employer willfully disregarded a known risk, it is inevitable that there will be an increase in lawsuits in this area. The lower courts will have to grapple with how far the "virtual certainty" standard can be pressed and where the boundaries lie.

The case is *Cockrum v. C.H. Murphy/Clark-Ullman Inc.* 569 P.3d 287, 2025 WL 1523125 (Wash. 2025).

TOXIC TORT PRACTICE GROUP NEWS

Greg Odom Named to IDC Executive Committee

Baker Sterchi Member Greg Odom has been appointed secretary-treasurer of the Illinois Defense Counsel (IDC), a statewide civil defense organization, following the group's December board meeting. He will also serve on the IDC Executive Committee and will advance through the organization's officer positions, culminating in his term as president in June 2029. [Read more](#)

Greg Odom Named to Autism Society Board

Baker Sterchi Member Greg Odom has been elected to the Autism Society of Southern Illinois Board of Directors. Odom regularly volunteers with the organization, including helping plan sensory-friendly events. [Read more](#)

Justin Meyer Appointed as DRI Young Lawyers Committee Vice Chair

Baker Sterchi attorney Justin Meyer has been appointed vice chair of the DRI Young Lawyers Committee Corporate Counsel Development Subcommittee for the 2025-2026 term. He has also been appointed by the DRI Young Lawyers Committee to serve as liaison to the DRI Asbestos Litigation Committee. Meyer previously served as vice liaison to the Asbestos Litigation Committee. [Read more](#)

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Lee Hurwitz Joins Baker Sterchi

Experienced litigator Lee Hurwitz has joined Baker Sterchi as a Member in the firm's Belleville office. Although associated with Belleville, he is based in the Chicago area and regularly practices in courts throughout the region, further strengthening the firm's presence alongside fellow Chicago-based attorney Justin Borawski. [Read more](#)

About Our Toxic Tort Practice Group

Greg Odom and Meghan Kane serve as co-chairs of the firm's Toxic Tort Practice Group. Together, they lead a team focused on defending complex toxic tort, product liability and mass litigation matters across jurisdictions, bringing deep trial experience and strategic guidance to clients facing high-exposure claims.



Greg Odom practices in the areas of mass toxic tort and commercial litigation in Illinois and Missouri state and federal courts. He represents manufacturers, premises owners and other businesses in complex toxic tort and exposure-related litigation, including asbestos and chemical exposure claims. An experienced trial attorney, Odom has successfully litigated multiple cases to verdict. He has been recognized by *Illinois Super Lawyers* and by *The Best Lawyers in America* for his work in mass tort and product liability defense.



Meghan Kane focuses her civil defense practice on complex business litigation, including product liability, premises liability and toxic tort matters. She represents clients through pre-trial, trial and appellate stages of litigation. Kane serves as national asbestos and toxic tort counsel for a leading provider of merchandise displays, refrigeration systems and installation services to food retailers. She has been recognized by *Illinois Super Lawyers Rising Stars* for her work in personal injury defense and serves as second vice president of the Madison County Bar Association.

Contact the Toxic Tort Practice Group leaders:

Greg Odom | greg.odom@bakersterchi.com

Meghan Kane | meghan.kane@bakersterchi.com

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Practice group members include Victoria Baker (Portland, OR), Justin Borawski (Belleville, IL), Megan Coluccio (Seattle, WA), Christina Dubis (St. Louis, MO), Hayley Hollis (Portland, OR), Lee Hurwitz (Belleville, IL), Meghan Kane (Belleville, IL), Justin Meyer (Portland, OR), Max Mosley (Kansas City, MO), Greg Odom (Belleville, IL), Paul Penticuff (Kansas City, MO), Andrew Podjenski (Kansas City, MO), Jessica Reis (St. Louis, MO), Tom Rice (Kansas City, MO), Dave Schneidewind (Belleville, IL), Tom Seigfreid (Kansas City, MO) and Lisa Verity (St. Louis, MO).

About Baker Sterchi Cowden & Rice LLC

Founded in 1982, Baker Sterchi is a civil defense litigation and trial law firm with offices in Missouri, Illinois, Kansas, Oregon, Washington and Wisconsin. The firm provides comprehensive legal services across a broad range of practice areas, including commercial and business litigation, construction, employment and labor, insurance coverage and defense, law enforcement and civil rights, government liability, medical malpractice, premises liability, product liability, professional and management liability, trial practice and consulting, and transportation litigation. With a team of attorneys who bring decades of courtroom experience, Baker Sterchi is widely recognized for its trial skills and commitment to client service. For more information, visit www.bakersterchi.com.