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Update on Brother's Keeper
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The Summer 2006 issue of the Products Liability Newsletter contained a reprint of a DRI article titled "Not Thy Brother's Keeper: Whose Duty is it?" The article surveyed case law concerning claims of failure to warn of products manufactured by companies other than the defendant. A short section following the reprinted article discussed Oregon and Washington law. The Washington portion cited two King County asbestos cases, then pending in Division One of the Washington Court of Appeals. Since the Summer 2006 issue was published, Division One heard and decided the two asbestos cases. *Braaten v. Saberhagen Holdings*, ___ Wn App ___, 151 P3d 1010 (2007); *Simonetta v. Viad Corp.*, ___ Wn App ___, 151 P3d 1019 (2007). The Court in *Braaten* decided that a "jury could determine that the pumps and valves were unreasonably dangerous when used as intended, without warnings about how to safely avoid asbestos exposure." 151 P3d at 1017. Therefore, summary judgment in favor of the pump and valve manufacturers on common law strict liability and negligence claims was reversed. *Simonetta* reached essentially the same result in the case of an evaporator. As the Court stated: "We hold that Viad did have a duty to warn once it knew that the asbestos necessarily used with its product posed a health risk to those servicing the equipment." 151 P3d at 1021.

Motions to reconsider *Braaten* and *Simonetta* on other grounds were denied and petitions for review are pending.