

Lovell v. Johnson & Johnson: Massachusetts Jury Awards Over \$42M to Asbestos Plaintiff

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On July 29, 2025, a Massachusetts jury in *Lovell v. Johnson & Johnson, et al.* (Civil Action No. 21-2086) returned a \$42,608,300 verdict in favor of Plaintiffs, Paul and Kathryn Lovell, broken down as follows: \$15 million for past pain and suffering; \$9 million for future pain and suffering; \$608,300 for past medical expenses; \$2 million for future medical expenses; \$5 million for past loss of consortium and \$11 million for future loss of consortium.

Notably, this represents the second Massachusetts plaintiff verdict since June 2025 (*Paluzzi v. Johnson & Johnson, et al.* - \$8M – a living mesothelioma) and third Massachusetts talc-plaintiff award since September 2024 (*Zundel v. Amerilure, Inc., et al.* - \$40M – a living mesothelioma), further heightening the jurisdiction's profile for both traditional and talc-based asbestos litigation and trials.

Plaintiffs alleged that Mr. Lovell's prolonged use of asbestos-contaminated Johnson & Johnson ("J&J") baby powder on himself and his children substantially contributed to his development of mesothelioma. In its defense, J&J primarily argued: 1) that its talc was asbestos-free; and 2) that Mr. Lovell's mesothelioma was caused by a rare genetic fusion unrelated to asbestos exposure. The jury roundly rejected both defenses.

i. Asbestos Content of J&J Baby Powder

At trial, Plaintiffs' expert Dr. Alice Blount testified to finding asbestiform in her testing of J&J talcum powder. Dr. William Longo – a longtime asbestos-plaintiff expert – further asserted that over half of the J&J baby powder bottles he tested contained asbestos. He further criticized J&J's testing methods as inadequate to detect the presence of asbestiform. Finally, Plaintiffs' expert microscopist Mark Bailey, PG opined that Transmission Electron Microscopy (TEM) testing is the most sensitive available – capable of detecting asbestiform in talc even where X-Ray Diffraction methods cannot.

In response, J&J maintained that any talc in its baby powder was asbestiform-free. J&J submitted evidence showing that "industry-standard" CTFA J4-1 testing and TEM testing, as well as testing performed by the McCrone Group (a company specializing in microscopy, microanalysis and materials characterization) all concluded that J&J's talcum powder products did not contain asbestos. Further, materials scientist, Dr. Matthew Sanchez, testified that his testing of J&J talc samples from Vermont and Italy revealed no asbestos (except for a World War II-era sample not at issue). Dr. Sanchez, in kind, criticized Dr. Longo's methodology, claiming that starting in 2018, the doctor adopted a broader definition of what constitutes an asbestos "bundle."

Ultimately, the asbestos-content of the J&J baby powder at issue became a battle-of-the-experts with the jury more persuaded by Plaintiffs' experts.

ii. Genetic Fusion Defense

Similarly, J&J's medical defense also came down to the parties' experts. Defense expert Dr. Richard Attanoos, a clinical pathologist, and World Health Organization contributor, testified that Mr. Lovell's mesothelioma was

caused by gene fusion rather than by asbestos exposure. Plaintiffs' occupational medicine expert, Dr. Steven Haber, rejected Dr. Attanoos' assessment, conversely opining that his gene fusion theory was speculative and not supported by epidemiological evidence.

Here again the jury agreed with Dr. Haber's opinion that Mr. Lovell's mesothelioma was caused by exposure to asbestos-contaminated J&J baby powder – not a gene fusion.

The size of the verdict and the jury's rejection of J&J's asbestos-content and medical defenses illustrates the uphill battle asbestos defendants face in Massachusetts. This is especially true considering the general complexity of proving these defenses in contrast to the plaintiffs' reliance on and exploitation of the public's general acceptance that asbestos is the most known and prevalent cause of mesothelioma.

J&J will likely appeal the verdict and move for remittitur as it relates to the jury award. Consistent with the court's ruling in the *Zundel* case, it is likely that at least a portion of the future pain and suffering and loss of consortium awards may be reduced.