

APPENDICES

**APPENDIX A
IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA**

MONDAY, JUNE 19, 2017

**THE CLERK IS DIRECTED TO ENTER THE
FOLLOWING ORDERS OF THE COURT:**

* * *

114,175 (cons.w/114,183)
Michael D. Galier v. Murco Wall Prod-
ucts, Inc. And Welco Manufacturing
Company et al
**Both petitions for certiorari are
denied.**
CONCUR: Gurich, V.C.J., Watt, Win-
chester, Edmondson, Col-
bert and Reif, JJ.
DISSENT: Wyrick, J.
NOT PARTICIPATING: Kauger, J.
DISQUALIFIED: Combs, C.J.

CHIEF JUSTICE

2a

APPENDIX B

FILED

COURT OF CIVIL APPEALS

STATE OF OKLAHOMA

FEB 3 2017

MICHAEL S. RICHIE

CLERK

NOT FOR OFFICIAL PUBLICATION

**IN THE COURT OF CIVIL APPEALS OF THE
STATE OF OKLAHOMA**

DIVISION I

**MICHAEL D. GALIER,
Plaintiff/Appellee,**

vs.

**MURCO WALL PRODUCTS, INC., and
WELCO MANUFACTURING COMPANY,
Defendants/Appellants,**

and

**Red Devil Corporation,
Defendant.**

Case No. 114,175

(Cons.w/114,183)

**APPEAL FROM THE DISTRICT COURT OF
OKLAHOMA COUNTY, OKLAHOMA**

**HONORABLE BRYAN C. DIXON,
TRIAL JUDGE**

AFFIRMED

Steven T. Horton,
HORTON LAW FIRM,
Oklahoma City, Oklahoma,
and
Jessica M. Dean,
Charles W. Branham, III,
DEAN, OMAR & BRANHAM, LLP,
Dallas, Texas,
For Plaintiff/Appellee,
Clyde A. Muchmore,
Harvey D. Ellis, Jr.,
Cullen D. Sweeney,
CROWE & DUNLEVY,
Oklahoma City, Oklahoma,
and
Gregory L. Deans,
Katherine H. Stepp,
DEANS & LYONS, L.L.P.,
Dallas, Texas
For Defendant/Appellant,
Murco Wall Products, Inc.

Monty B. Bottom,
FOLIART, HUFF, OTTAWAY & BOTTOM,
Oklahoma City, Oklahoma,
and
Michael C. Carter,
Catherine L. Campbell,
PHILLIPS MURRAH P.C.,
Oklahoma City, Oklahoma,
For Defendant/Appellant
Welco Mfg. Co.

**OPINION BY BRIAN JACK GOREE, PRESID-
ING JUDGE:**

¶1 In this consolidated appeal, Defendants/Appellants, Murco Wall Products, Inc. (Murco) and Welco Manufacturing Company (Welco), seek review of the trial court's judgment based on a jury verdict in favor of Plaintiff/Appellee, Michael D. Galier. We find no error in the conduct of the trial, and the jury's verdict is supported by competent evidence. The judgment is affirmed.

I.**Background**

¶2 Galier commenced an action against numerous manufacturers of asbestos products, alleging they caused him to contract asbestos-related mesothelioma. He sued under the theories of negligence and manufacturers' products liability. At trial he pursued only three of the defendants: Murco, Welco, and Red Devil Corporation. The jury reached a verdict and nine of its members signed a six-page verdict form. The principal issue before this court is whether the trial court erroneously accepted the written verdict after the foreman asked a question that suggested the verdict did not express the jury's intent.

¶3 The jury found Galier failed to prove his claims against Red Devil but succeeded in proving his claims against Murco and Welco. It found Galier sustained actual damages totaling \$6 million, comprising \$1.5 million in economic damages and \$4.5 million in noneconomic damages. It apportioned 40% of Galier's damages to Murco and 60% to Welco. Thirteen non-parties were identified on the verdict

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