

# VERDICTS & SETTLEMENTS

FRIDAY, NOVEMBER 10, 2023

## — VERDICT — DEFENSE

### PERSONAL INJURY

#### PREMISES LIABILITY

##### Product Liability

VERDICT: Defense

CASE/NUMBER: Buqi Guo, et al. v. Sika Corporation / 30-2021-01235631-CU-PO-NJC

COURT/DATE: Orange Superior / Aug. 24, 2023

JUDGE: Glenn R. Salter

#### ATTORNEYS:

Plaintiff – Michael J. Danner  
(Law Offices of Michael J. Danner)

**Defendant** – Premier Garage - Rey S. Yang, Johanna L. Boktor (Yang Professional Law Corp.)

**Defendant** – Frederick J. Ufkes  
(Hinshaw & Culbertson LLP)

#### FACTS:

Plaintiffs, a homeowner and his elderly parents, contended that they were exposed to toxic chemicals (xylene and ethylbenzene) emanating from epoxy coating applied onto their garage floor on May 12, 2021 and May 13, 2021. Following the application of the epoxy coating, plaintiffs apparently continued to smell a

chemical odor emanating from the garage. For the next two months, plaintiffs stored their personal belongings, such as shoes, parked a vehicle, sanitized groceries, and assembled furniture, all inside the garage. Plaintiffs testified that they spent roughly 2 to 8 hours daily inside the garage. Despite such contention, plaintiffs indicated that there was a strong chemical smell and that each of them ultimately sought medical attention for respiratory and neurological injuries.

On July 21, 2021, plaintiffs retained an industrial hygienist who collected air samples in the garage, hallway, and home exterior. The hygienist found elevated levels of various volatile organic compounds, including xylene and ethylbenzene. The hygienist noted that the safety data sheets for the floor coating identified xylene and ethylbenzene as component ingredients of the chemicals comprising the top coat.

Following the determination of the industrial hygienist, plaintiffs allegedly did not re-enter the garage. On or about October 25, 2021, plaintiffs retained a contractor to remove the coating from their garage floor. Despite the removal of the coating, plaintiffs contended that their symptoms worsened.

#### PLAINTIFF'S CONTENTIONS:

Plaintiffs argued that the floor coating was defective in its design and that defendants failed to warn of the potential health effects with the product.

#### DEFENDANT'S CONTENTIONS:

Defendants argued that the product was not defective and that a fully cured coating did not emanate any harmful volatile organic compounds, considering that the same coating application has been used in multiple settings and there had not been any prior complaints of injury.

#### INJURIES:

Plaintiffs claimed dizziness, headaches, memory loss, blurred vision, chest pain, and hearing loss

#### SETTLEMENT DISCUSSIONS:

Defendant served a statutory offer to compromise to plaintiffs for a total of \$25,000. Plaintiffs' demand prior to trial was \$65 million.

#### RESULT:

Defense verdict.

FILING DATE: Dec. 10, 2021