**NEW YORK JUNI DECISION ON CAUSATION**

In the case of Juni v. Ford Motor Company , the New York Court of Appeals  in November 2018 issued  a one-paragraph memorandum affirming a trial court decision to set aside an $11 million asbestos jury verdict  and, in doing so, tacitly reaffirmed the causation principles of Parker v. Mobil Oil, 7 NY3d 434 (2006)*.*  This effectively negates the so-called "single fiber" approach to disease causation that plaintiffs rely upon in asbestos litigation and which approach has been rejected in other jurisdictions. The New York Court of Appeals in Juni succinctly stated that “viewing the evidence in the light most favorable to plaintiffs, the evidence was insufficient as a matter of law to establish that respondent Ford Motor Company’s conduct was a proximate cause of the decedent’s injuries pursuant to the standards set forth in Parker v. Mobil Oil.*”*  Those standards set forth in Parker  recognize that it is “well-established that an opinion on causation should set forth a plaintiff's exposure to a toxin, that the toxin is capable of causing the particular illness (general causation), and that plaintiff was exposed to sufficient levels of the toxin to cause the illness (specific causation)”.  Parker at 448.  Although “it is not always necessary for a plaintiff to quantify exposure levels precisely or use the dose-response relationship”, what is necessary is “that whatever methods an expert uses to establish causation are generally accepted in the scientific community.” Parker at 448.  Parker also acknowledged that “there could be several other ways an expert might demonstrate causation . . . for instance . . . exposure can be estimated through the use of mathematical modeling by taking a plaintiff's work history into account to estimate the exposure to a toxin. It is also possible that more qualitative means could be used to express a plaintiff's exposure. Comparison to the exposure levels of subjects of other studies could be helpful provided that the expert made a specific comparison sufficient to show how the plaintiff's exposure level related to those of the other subjects. These, along with others, could be potentially acceptable ways to demonstrate causation if they were found to be generally accepted as reliable in the scientific community.” Parker at 449. However, failure to specify level of exposure, specifics of how exposure was exceeded, and lack of epidemiologic evidence to support a  claim is not acceptable in a New York  toxic tort matter.