

October 25, 2021

The Honorable Henry C. "Hank" Johnson, Jr.  
United States House of Representatives  
2240 Rayburn House Office Building  
Washington, DC, 20515

The Honorable Darrell E. Issa  
United States House of Representatives  
2300 Rayburn House Office Building  
Washington, DC 20515

Re: Hearing on "Judicial Ethics & Transparency: The Limits of Existing Ethics and Rules," October 26, 2021.

Dear Chairman Johnson and Ranking Member Issa,

I write to you today to share the story of my husband's military service, his suffering and death caused by the companies who supplied the products with which he worked, our experience in the legal system, and the recent and very painful revelations concerning the biased judge in our case. I miss my husband terribly every day, but I was relieved when the legal process was behind us. Now I've learned that all along, that process was in the control of a judge who was ignoring and violating the basic rules of fairness.

My husband James enlisted in the Navy right out of high school in 1965. He proudly served his country for 24 years. He rose steadily through the ranks, and eventually retired in 1989 as a Lieutenant Commander.

Like thousands of other Navy sailors, Jim worked with products that contained asbestos. At his deposition taken before he died, he testified that he worked with all kinds of equipment in the engine room of his ships: turbines, pumps, air compressors, feed tanks, forced draft blowers, valves, evaporators and so on. James worked with all this equipment personally and also supervised others. The regular, ongoing maintenance of these products produced immense quantities of asbestos dust that Jim breathed in every day. Little did he know it would kill him, because none of the products he worked with ever contained a warning about the danger of asbestos.

Jim was diagnosed with mesothelioma, a cancer caused only by asbestos, in 2015. The best way I can describe the next 24 months is that it was hell for him. He had a third of one lung removed, and had a treatment called "talc pleurodesis" in which talc is placed in the lungs to irritate them. Jim also had a stroke during his initial hospital recovery.

Once he was back home, it eventually became clear that Jim was not going to get better. He was always short of breath and could barely take a walk with me. He was put on a chemotherapy regimen that affected him worse every cycle and made him nauseous all the time. Jim wasn't able to do anything anymore with our grandchildren. He couldn't do any of the normal

things he used to do: couldn't fish, couldn't go out in the boat, couldn't work out at the gym, couldn't even climb a few steps.

In total, Jim had three surgeries and four rounds of chemotherapy. He had to lay down frequently just to relieve pain. His last months were a blur of doctors' offices: for more scans, to have his port flushed, for evaluations and on and on. No one should go through what Jim went through.

Like so many other veterans who have died of asbestos-related diseases, Jim and I filed suit against the companies responsible for his illness and death.

Jim died in April of 2017. At some point in 2018, my lawyers told me that our case had been dismissed. We had obtained settlements from some of the companies, but the judge dismissed our claim against the remaining defendant, Crane Co., because he said our expert witness couldn't testify. The judge let a defendant off the hook even though the company had contributed to Jim's injury.

The companies defended the case tenaciously, and tried to blame everyone but themselves: each other, the Navy, even Jim himself. I understand that this is part of the process in any lawsuit, and I can accept that. But just two months ago, I learned something I surely cannot accept: that the judge in our case did not follow the rules.

I have learned that the judge, United States District Judge David Norton, owned stock in two of the companies we sued – 3M Co. and General Electric Co. And these were not trivial stock holdings: he owned at least \$15,000 worth of stock in each company. I also understand his rulings were highly unusual in asbestos litigation, and that they can hurt all veterans in their suits. It can also greatly help the companies our judge owned stock in.

To learn this now, three years after our case ended, is like reopening a painful, painful wound. I always knew that no lawsuit would ever bring Jim back. But I did feel that getting justice would, in some way, honor Jim and his service to our country, of which he was always so proud. To now learn that we were never going to get justice, because the judge had a financial interest in two of the companies responsible for Jim's death, is a shock and a devastating disappointment.

I humbly urge you to address this situation. I thank you for the opportunity to be heard, and I know Jim thanks you too for hearing him.

If there is any further information, I can give you, I will be happy to provide it.

Thank you very much.

*/s/ Sheri Chesher*

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Sheri Chesher