

SETTLEMENT ANALYSIS REPORT

Prepared by Eleanor | December 15, 2025

Delgado v. Atlantic Maritime Shipping Co. — Toxic Tort (Asbestos/Mesothelioma)
Plaintiff: Frank Delgado, 67, terminal mesothelioma | **Demand:** \$4.5M | **Offer:** \$1.8M | **Gap:** \$2.7M
Venue: Suffolk County Superior Court (plaintiff-friendly, median meso verdict \$2.8M)

EXECUTIVE SUMMARY

This case presents **high liability exposure** with strong damages potential. Frank Delgado is dying — terminal mesothelioma with 12-18 month prognosis. Asbestos use during his employment (1978-1983) is undisputed. **Bottom line:** This case should settle in the **\$2.0M - \$2.5M range**. Anything under \$2.5M is a good outcome given the risk profile.

RISK ASSESSMENT

Liability Exposure: 70-80% plaintiff verdict probability
Weaknesses: Asbestos use 1978-83 documented; inadequate respiratory protection claims have support; dying plaintiff = jury sympathy; Suffolk County venue unfavorable.
Strengths: Training acknowledgment signed 1979 (comparative fault); employment was 5 years not 10+; co-workers confirm respirators provided; first complaint 2019 (36 years post-employment).

Scenario	Range	Prob.
Low (defense verdict)	\$0-500K	15-20%
Mid (comparative fault)	\$1.5-2.5M	35-40%
High (full verdict)	\$3.0-4.5M	30-35%
Nuclear	\$5M+	5-10%

Wildcards: Maria Delgado testimony (42 yrs married); co-defendant settlements creating allocation pressure; Frank's declining health.

SETTLEMENT STRATEGY

Position	Amount	Rationale
Opening	\$1.4M	Good faith movement from \$1.8M, leaves room to negotiate
Target	\$2.2M	Defensible to carrier, realistic given risk profile
Authority	\$2.8M	Room to close; frame as exposure management
Walk-Away	\$3.2M	Above this, trial risk acceptable

Movement: Plan 4-5 moves. Don't jump >25% in single move. Hold firm at \$2.2M initially. If stuck, consider structured settlement or expedited payment.

PLAINTIFF PSYCHOLOGY

Frank: Dying, wants resolution before death. Won't accept lowball — nothing to lose.
Maria: The real decision-maker. Terrified of financial insecurity. Wants security, not revenge. *She's your path to settlement.*
Plaintiff's Counsel: 40% contingency. Incentive to settle quickly — dying plaintiff is ticking clock.
Pressure Points: Maria's fear; counsel's contingency economics; Frank's health; allocation pressure from co-defendants.

CARRIER COMMUNICATION

Authority Request (\$2.8M): "Given Suffolk County venue (median meso verdict \$2.8M), terminal diagnosis, and documented exposure, we recommend authority to \$2.8M. Trial costs estimated \$350-450K with 70-80% adverse verdict probability. Settlement at \$2.0-2.5M is favorable relative to expected trial exposure."

Pushback Response: Point to venue data, dying plaintiff, co-defendant settlements. Acknowledge comparative fault defense but explain jury sympathy risk.

BOTTOM LINE

This case should settle. Target: \$2.2M. Open at \$1.4M, close in \$2.0-2.4M range. Anything under \$2.5M is good; under \$2.0M is a win. If plaintiff won't budge below \$3.2M, you have a defensible trial position — but you're betting against a dying man in Suffolk County. The gap is never really about the numbers. Maria is afraid, Frank is dying, plaintiff's counsel is watching their clock tick. Find the number that lets everyone walk away.

RECOMMENDED NEXT STEPS

Casey — Review depositions for impeachment on exposure claims | **Riley** — Practice depo defense for corporate rep | **Judge Steelman** — Test MSJ arguments on causation | **Chris** — Cross-exam practice on plaintiff's medical expert