

Buckley, P.J., Tom, Andrias, Sullivan, Malone, JJ.

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Richard Langhorne, Individually,
and as Administrator for the
Estate of Peter Consorti,
Plaintiff-Appellant,

Index 101948/04

-against-

Amchem Products, Inc., et al.,
Defendants-Respondents,

Aerofin Corporation, etc., et al.,
Defendants.

Levy Phillips & Konigsberg, LLP, New York (Moshe Maimon of
counsel), for appellant.

Greenberg Traurig, LLP, New York (Loring I. Fenton of counsel),
for respondents.

Order, Supreme Court, New York County (Helen E. Freedman,
J.), entered on or about August 27, 2004, which dismissed the
complaint and all cross claims as against defendant Robert A.
Keasbey Co., and order, same court and Justice, entered October
5, 2004, which dismissed the complaint and all cross claims
against defendants Amchem Products, Inc., Dana Corp. and Union
Carbide Chemicals and Plastics Co., Inc., unanimously affirmed,
without costs.

In this action for personal injuries and wrongful death
arising from mesothelioma caused by asbestos fiber inhalation,
the motion court properly dismissed the complaint on the ground

the claims were barred by the releases signed by plaintiff's decedent in connection with the settlement of a prior federal action alleging asbestosis. These documents released defendants-respondents from "any and all claims" that plaintiff's decedent "may ever have" or "which may arise" from his alleged asbestos exposure, and the releases provided that the settlement was in "complete satisfaction" of all existing and future asbestos-related claims. Such language was "plain and unambiguous" (*Touloumis v Chalem*, 156 AD2d 230, 232 [1989]) and "embrace[d] all possible matters arising between the parties" in connection with the underlying subject (*Mosberg v National Prop. Analyst*, 217 AD2d 482, 484 [1995]). In these circumstances, absent evidence of "duress, illegality, fraud, or mutual mistake" in connection with the scope of the releases (*Mangini v McClurg*, 24 NY2d 556, 563 [1969]), plaintiff's claims were barred. Here, plaintiff failed to meet his requisite burden.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: NOVEMBER 10, 2005

Catherine O'Hagan Wolfe

CLERK