



## Bay Area News

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# Plaintiffs settle in latest BP blast trial

By BRAD HEM

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GALVESTON -- Jurors in the latest civil trial stemming from the 2005 explosion at BP's Texas City refinery might have been "more conservative" than plaintiffs hoped, their lead lawyer said Tuesday after the case was settled before the panel got a chance to decide.



"(BP) probably shouldn't have settled," said Marlaina Culver, one of the jurors who sat through more than eight weeks of testimony without getting a chance to decide the case. "(The plaintiffs) probably wouldn't have gotten much from us."

A few jurors' jaws dropped when state District Judge Susan Criss announced Tuesday morning the four remaining plaintiffs had reached a settlement late the night before, marking the third time a jury seated to decide a blast-related lawsuit was sent home before it got the chance to reach a verdict.

However, this was the first trial in which BP presented any of its defense case — previous trials settled much earlier — and the company was scheduled to finish calling witnesses Tuesday.

No settlement terms were released.

Culver said she thought BP already had compensated most of the people who were "truly" hurt in the March 23, 2005, blast that killed 15 and injured scores more.

After discussing the case with jurors privately, lead plaintiffs' attorney Brent Coon acknowledged the group would have been "more conservative" than the lawyers expected. They did tell him they would have awarded some punitive damages, Coon said.

"What the number would have been, who knows?" Coon said in a conference call with reporters. Culver said it would not have been the \$950 million sought by the plaintiffs.

BP said in a prepared statement it was glad almost all the civil complaints have been adjudicated.

"Our goal from the outset has been to fairly compensate people harmed by this tragedy. We deeply regret what occurred and are working hard to become an industry leader in the areas of personal and process safety," the company said.

The current case started with 10 plaintiffs, but six settled earlier this month, leaving Luis Garcia, 26; Esteban Huerta, 57; Charles Pinder, 51; and Olivia Palton, 42.

Now, just seven cases are pending out of more than 4,000 blast-related claims. More than 200 were settled since the latest trial started in May, and Criss told the jurors their presence helped resolve some of those cases. Criss said other lawyers representing people with claims against BP watched the sometimes tedious trial unfold, and the time and effort required "forced them to be realistic."

Still, Culver said she wished jurors had gotten a chance to render a verdict.

"I was pretty disappointed only because we've spent so much time here," said Culver, who

described how jurors marked their 31 "days in captivity" on a calendar in their meeting room.

The judge predicted all but two of the outstanding cases probably would be settled without another trial, which would be in September.

Brad Beers, who represents one of the two remaining plaintiffs with disputed claims, said he'll be "ready to go" to trial in September.

Garcia said he was "relieved" the marathon trial was over and said he planned to resume his study for a career in pipe design. He stopped going to school after the blast and has held a variety of jobs in the interim.

Pinder said his lawyer called him at 11 p.m. Monday to tell him they'd made a deal.

"I woke up and stayed awake for several hours," he said.

Pinder struggled with drug and alcohol abuse after the blast and said the end of his case will help him move on with his life.

"It's like a big relief of of me," he said. "I can feel my blood pressure going down."

The blast happened when a tower overfilled with hydrocarbons, which flowed to a blowdown stack that spewed the excess liquid and vapor into the air. A vapor cloud formed that ignited, causing the explosion in a processing unit that boosted octane in gasoline.

BP earmarked \$2.1 billion to settle blast-related litigation, and worked early to resolve claims involving deaths and debilitating injuries, such as lost limbs.

The three bundles of lawsuits that eventually reached juries involved less-serious injuries and emotional distress.

*Chronicle reporter Kristen Hays contributed to this report.*

*brad.hem@chron.com*

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