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BP explosion trial ends early with 4 settlements

By KRISTEN HAYS

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The first civil trial to emerge from the March 2005 explosion at BP's Texas City refinery ended today with settlements of undisclosed amounts to four plaintiffs.

The deal was revealed on what would have been the 10th day of a trial that had been expected to last six to eight weeks. Fifteen people died in the blast, and many more were hurt.

"Are you serious?" a woman on the jury asked state District Judge Susan Criss when informed of the settlement. Criss laughed, and replied, "Yes, I'm serious."

While the company has consistently settled blast-related lawsuits, Criss said today that 1,200 remain pending. She told jurors who heard 10 days of testimony in the cases settled today that they could speak to no one except lawyers about their impressions until all the other litigation is resolved.

The next trial settings are Oct. 22 and Nov. 5, though Criss said she is slated to preside over a capital murder case in October, so all the BP matters may be shifted to November.

The last of cases involving deaths were settled last year, and remaining cases largely involve injuries and property damage.

"While we've been in trial, we've had a team of at least two lawyers from each side constantly working on settlement negotiations," Criss told the panel. More than 200 unrelated cases were settled as the trial progressed, she said.

No other cases went as far as those that settled today with a jury seated and testimony presented.

Brent Coon, who represented the four plaintiffs in the case and has managed the vast-blast-related litigation, said he hoped the trial reinforced the need for BP to "reflect on what led to this." Once the company settled cases involving people who were killed, lost limbs, or were otherwise maimed, "they thought they could withstand issues in other cases."

"There's a reality that there's no amount of money that BP could pay that would make these people whole," Coon said.

BP spokesman Neil Chapman reiterated the company's position that BP aims to settle all blast-related litigation.

Still pending for the company is a resolution to an ongoing criminal investigation headed by the U.S. Attorney's Office in Houston, which began in early 2006. Coon has turned over voluminous documents to the Justice Department as part of that probe, and said today he will continue cooperating as needed.

Also pending is Coon's push to gain sworn testimony in a deposition from former BP CEO John Browne, who resigned in May amid controversy over his admission that he lied to a British court about how he met his former companion. Browne had argued that he shouldn't have to submit to a deposition because he had no unique knowledge that his underlings hadn't already provided, and he should be exempt as a CEO. But he made that argument before he resigned. The Texas Supreme Court will hear arguments on the issue next month.

Other than that, Coon said depositions have largely been wrapped up.

The plaintiffs in the cases that settled today contended that BP valued profits over safety by cutting budgets for maintenance, repairs, replacements and training in the years leading up to the explosion. BP acknowledges having imposed budget cuts, but disputes any link between those reductions and the blast.

However, the U.S. Chemical Safety and Hazard Investigation Board concluded after a two-year investigation that a combination of cost-cutting, a lack of vigilance and a lack of investment in training and mechanical integrity put the Texas City plant on a course to disaster.

The plaintiffs were Scott Kilbert, 48, of Bellville; Rolando Bocardo, 41, of Baytown; and Nara and David Wilson, both 44, of Santa Fe. All were contractors at the refinery on the day of the blast, and claimed they suffer from emotional distress, hearing loss and other ailments. BP lawyers say they were using the blast to pocket a big judgment for insignificant injuries.

The plaintiffs didn't testify, and little about their claims emerged. Instead, their lawyer, Coon, introduced evidence of years of budget and staff cuts at the refinery, both before and after BP gained the plant with its acquisition of Amoco in 1998.

Kilbert and Bocardo said they were glad the trial was over because they found it difficult to re-live the tragedy through the testimony. But the Wilsons said they were disappointed they didn't get to testify.

"I didn't have the chance to speak," Nara Wilson said.

"I'm disappointed that I didn't get to look them in the eye and tell them off," David Wilson said outside the courtroom, overcome with tears.

Several BP executives testified, including former plant manager Don Parus; Pat Gower, regional vice president of BP North America; and by videotaped deposition, Mike Hoffman, former group vice president of refining and marketing.

They were among four senior executives targeted to be fired by an internal BP investigation of the blast completed in February. However, none were fired. Hoffman retired in December, before the report of the probe was finished. Parus has been on paid leave since May 2005. Gower remains in his role.

Parus testified that he looked into the refinery's deadly history after three deaths occurred there in 2004, and found 22 deaths in the previous 30 years. A 23rd death came later.

He commissioned a survey of more than a thousand refinery workers that elicited harsh assessments about the safety culture, with many saying they thought each day there might be their last. Comments in that survey were repeatedly presented to the jury, as well as the report of the internal probe and other documents reflecting years of cutbacks at the plant.

But Gower and Hoffman said they were largely ignorant of that history until after the March 2005 blast.

The explosion happened when a tower overfilled with flammable hydrocarbons which flowed to a

blowdown stack that emitted a vapor cloud. The cloud then ignited. The 15 people who died were in a flimsy trailer 121 feet away.

Kilbert was on his way to a 1:30 p.m. meeting in that trailer that day, but was running late. He watched it blow up at 1:18 p.m.

"I just watched it disappear," he said today.

Asked what he would like to say to BP, Kilbert replied, "You can't put it in the paper."

BP is pouring \$1 billion into upgrades and improvements at the refinery, including replacement of blowdown stacks with flares, which burn off such vapors rather than emitting them into the air.

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krystyna wrote:

As a mother of 3 sons, there are a couple of things that if my sons came to me & told me they were going to do, I'd have to get into it with them over & one of those things is working in a petrochemical plant. My husband worked for over 2 decades in a plant that blew up & sent 23 of his co-workers to their deaths. After all of the things he's told me about those places & how management is & the way things go on, there is NO WAY I'd sit idly by while my sons worked in one...NO WAY.

9/18/2007 5:18:19 PM

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JohnIt wrote:

The flares that BP did not put in that night and should avoided this accident are not only safety devices but environmental protection devices. These or something like am oxidizer are required on all hydrocarbon vents from 1968 on EXCEPT for older grandfathered plants like BP. Not only were they ignoring safety but also dumping pollutants into the air while we the public are paying for more and more controls on out autos. I do feel we better motors in our cars as a result of the work laws have forced automakers to do.

9/18/2007 4:13:16 PM

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