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Heard, Robins, Cloud & Lubel, LLP

Deal & Suits - Aguirre, et al. v. Browning-Ferris Industries Inc., et al.

October 18, 1999

Source: Texas Lawyer
By Janet Elliot

Jurors in San Patricio County Oct 4 awarded \$1.5 million to a woman whose property was damaged by a landfill, but they rejected wrongful-death and personal-injury claims filed by the woman and seven other plaintiffs.

Lawyers for the plaintiffs asked for \$34 million to compensate for their alleged injuries. The lawyers alleged that toxic materials deposited in the landfill contaminated private drinking water wells near Sinton.

The jury awarded Soila Valdez \$20,000 for reduced property value and \$25,000 for mental anguish, as well as \$1.5 million in punitive damages. Another plaintiff, Michelle Larson, was awarded \$2,500 for reduced property value. The jury found that the damage was caused by Browning-Ferris Industries Inc. and the previous owner of the landfill, Waste Disposal Center Inc. The jury alleged the two defendants stored, treated or disposed of non-exempt hazardous waste at the landfill.

The plaintiffs were represented by Denman Heard and Jeffrey S. Thompson, partners in Houston's Williams Bailey; Thomas E. Bilek and Warren T. Hoeffner, partners in Houston's Hoeffner, Bilek & Eidman, and firm associate Kelly Cox Thornton; Sinton solo James M. Whitten and Corpus Christi solo Dario Bargas Jr.

Jeffrey S. Wolff, a Fulbright & Jaworski partner who represented defendant BFI Inc., said he expects the punitive damages award to be reduced under statutory caps. He says BFI may appeal any judgment against it related to the property damage claims.

Wolff was joined by Fulbright Houston partners Willie D. Wood and Richard J. Wilson, senior associate Rachel S. Giesber and counsel David Goldberg, along with Sinton solo John H. Miller Jr.

Waste Disposal was represented by Ronald B. Brin and William J. Granberry, shareholders in Corpus Christi's Brin & Brin.

The jury found no liability on the part of three defendants who brought waste to the landfill. Asarco Inc. was represented by Rudy Gonzales Jr. and Donna McKinney, partners in Corpus Christi's Chaves, Gonzales & Hoblit Shell Western UP Inc. and E.I. duPont de Nemours & Co. was represented by G. Don Schauer, name partner in Corpus Christi's Schauer, Simank & Ledbetter.