

LitigationWatch:

BENZENE

PREMIER ISSUE

TRACKING CASE NEWS AND DEVELOPMENTS IN BENZENE AND RELATED LITIGATION

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Judgment Entered in \$2 Million Non-Hodgkin's Lymphoma Verdict

RALEIGH, Miss. — A Mississippi judge recently entered judgment on a \$2 million verdict in a case filed by a former mechanic who alleged that his exposure to benzene caused him to develop non-Hodgkin's lymphoma. *Watts, et al. v. Radiator Specialty, et al.*, No. 2002-364 (Miss. Cir. Ct., Smith Cty.).

Judgement was entered in the verdict March 9 by Judge Robert Evans in the Mississippi County Circuit Court.

On Nov. 18, a Smith County Circuit Court jury found defendants Radiator Specialty and U.S. Steel Corp. liable for causing Milton Cecil Watts' benzene-related disease. The jury found Radiator Specialty and U.S. Steel Corp. responsible for 40 percent and 45 percent of the \$2 million damage award, respectively. Sources indicated that Watts' former employers were held liable for the remaining 15 percent.

Watts claimed during the two-week trial that his use of the product Liquid Wrench during his employment as a mechanic exposed him to benzene, causing his non-Hodgkin's lymphoma.

Sources said that prior to the verdict, Judge Evans granted a defense motion for directed verdict on Watts' wife's loss of consortium claim, in addition to granting summary judgment on punitive damages.

Radiator Specialty and U.S. Steel argued during trial that there was no scientifically reasonable evidence linking non-Hodgkin's lymphoma to benzene exposure.

Testifying on behalf of the plaintiff was Dr. Barry Levy, epidemiology, Boston; Dr. Vernon Rose, industrial hygiene, League City, Texas; and Frank Parker, industrial hygiene, from Magnolia, Texas.

Experts for the defendants were Dr. Phillip Cole, epidemiology, from the University of Alabama in Birmingham, Ala.; and John Spencer, industrial hygiene, of Baltimore.

Lead counsel for the plaintiff was Lance H. Lubel of Heard, Robins, Cloud, Lubel & Greenwood in Houston. Also of counsel was Eugene Tullos of Tullos & Tullos in Raleigh, Miss.; Louis Watson in Jackson, Miss.; and J. Robert Black of Heard, Robins, Cloud, Lubel & Greenwood in Houston.

The defendants were represented by Carl B. Epps III of Nelson, Mullins, Riley & Scarborough in Columbia, S.C.; James M. Riley Jr. of Coats Rose Yale Ryman & Lee in Houston; George Walker of Hand Arendall in Mobile, Ala.; Stephen Thomas of Bradley, Arant, Rose & White in Jackson, Miss.; and Rance Ulmer of the Law Offices of Rance Ulmer in Bay Springs, Miss.

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