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21 steelworkers who contracted asbestos disease win \$115 million

By **STEVE OLAFSON**
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ANGLETON — A Brazoria County jury awarded \$115.6 million to 21 steelworkers Thursday for asbestos disease they contracted at an Alabama steel mill.

Finding that The Carborundum Co. acted with gross negligence and malice, the jury assessed \$100 million in punitive damages against the company, which manufactured an asbestos-containing grinding wheel that was used to cut pipe at the U.S. Steel plant in Birmingham.

Earlier in the day, jurors had agreed on a \$15.6 million judgment against the company for failing to warn the men of health dangers they faced when using the cutting tool.

The judgment was the nation's first asbestos-related jury award against a grinding-wheel manufacturer.

The attorney for Carborundum, contending that jurors were swayed by emotion, said he probably will appeal the decision.

The steelworkers, while appreciative of the verdict, said the judgment won't compensate them for their declining health.

"This is great, but I've got to walk around with it in my lungs the rest of my life," said Jackie Davis, 47. "I feel like justice has been done, but money's no good to a dead man."

Some of the men said they hope that, should they succumb to asbestos disease, the judgment will help their families.

Extensive medical testimony from both sides was heard before state District Judge Ben Hardin during the four-week trial.

Medical experts for the steelworkers testified that 18 of the Alabama men suffer from asbestosis, an incurable disease in which lung tissue is scarred from the inhalation of airborne asbestos fibers. The other

three plaintiffs have asbestosis symptoms, they said.

Medical testimony for the defense contended that the men suffered ailments unrelated to asbestos.

The steelworkers' attorney, Mark Lanier of Houston, said the lawsuit was tried in Texas because an Alabama law requires that asbestos lawsuits be filed within a year of exposure.

Symptoms of asbestosis may not become evident until 15 to 20 years after exposure, he said.

Jurors, after rendering their verdict, said they wanted to punish the company for continuing to market the cutting tool long after it became known that asbestos causes serious health problems.

"They deliberately let these men work with things that were hazardous to their health, and I think that's just a shame," said juror Sue Mann, 47, of Clute, a labor union business representative.

The steelworkers did not use masks while wielding the cutting tool inches from their faces. Two of the original plaintiffs died of cancer before their lawsuit reached the courtroom, and those still living say they suffer shortness of breath and chronic coughing.

The claims of the two who died were settled out of court.

"We didn't know what we were using was harmful," said plaintiff

William Naugher, 52. "Then they turned their backs on us and said, 'Hey, it's not our fault.'"

Lanier said it probably will be years before his clients receive any money because of probable appeals.

"They'll hope some of these fellows pass away before they have to pay anything," he said.

During the punitive phase of the trial, he asked the jury to consider awarding \$15.31 billion in damages — more than the tobacco industry's settlement with the state of Texas.

"I was dead serious. This is a company that sold their wheels off the back of American labor," Lanier said. "As soon as the asbestos cases started filing, they disbanded all their American activities, moved overseas and tried to hide. At least the tobacco companies started admitting they did something wrong."

Carborundum moved its corporate headquarters to Paris and transferred its bonded abrasives division to Brazil in the 1980s, Lanier said.

Carborundum's attorney, Jeff Marsh of Houston, said he was "absolutely astounded" that jurors assessed punitive damages, contending that they let sympathy for the steelworkers affect their decision.

"The plaintiffs were nice individuals and I think the emotional effect of their testimony overcame a lot of the medical issues," Marsh said.

Larry Kattner, one of two jurors to vote against assessing punitive damages and the only jury member who voted against assessing actual damages, said his fellow jurors discounted defense medical testimony that favored Carborundum.

"I still feel like I'm the only one that got it right," said Kattner, 43, an air traffic controller from Pearland.

Nevertheless, it took only about 30 minutes for 10 of the jurors to agree on the \$100 million punitive damage judgment.



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