Court Finds Exxon Ignored Asbestos Warnings, Imperiled Workers

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Verdict Upheld on Appeal for Mesothelioma Victim’s Family, Announces Baron & Budd, P.C.

BATON ROUGE, LA (September 29, 2008) Although company officials were aware of the dangers of asbestos in their Louisiana riverboats, chemical plants and oil refineries as early as 1937, Exxon Mobil Corporation (XON) failed to implement any type of safety measures to protect their workers, ruled the Louisiana First Court of Appeal recently. The Court affirmed a trial court’s 2006 judgment awarding substantial damages to the family of a former Exxon employee who died of mesothelioma, an asbestos-related cancer, announced Baron & Budd, P.C.

"Exxon's own documents reveal that the company knew that the use of asbestos insulation in the petroleum industry was hazardous to workers like our client," said Renée Melançon, the Baron & Budd attorney who represented the family on appeal. "Exxon even outlined a strategy for minimizing asbestos exposure in its facilities in 1937, but just never bothered to follow through on the plan to protect its workers."

The plaintiff worked on Exxon towboats from 1945 to 1949 and was exposed to asbestos when he spent time in the boats’ engine rooms. From 1949 until 1986, he worked as a helper, then a welder, in Exxon’s Baton Rouge oil refinery, where he continued to be exposed to pipes insulated with asbestos. Despite the 1949 warnings of its own industrial hygienist about asbestos, Exxon neither alerted its workers to any danger nor instructed them to wear masks. He was diagnosed in 2005 with mesothelioma, a painful and extremely aggressive cancer that causes the lining around the lungs to thicken and harden, and died later the same year.

Exxon attempted to claim immunity from the lawsuit based on workers compensation statutes, however, the First Circuit reaffirmed its earlier ruling that Louisiana’s 1952 Workers’ Compensation Act does not cover mesothelioma and so does not bar suits by mesothelioma victims against their employers for claims that accrued prior to 1975, when the law was amended to cover that disease. In addition, the court held that the plaintiff’s evidence was more than sufficient to establish that Exxon
knew of the need to protect its workers from exposure to asbestos.

At trial, the family was represented by Baron & Budd special counsel Cameron Waddell and attorney Jody Anderman, also of Baron & Budd, along with Rick Nemeroff of the Nemeroff Law Firm.

“We proved, first to the trial court and then to the Court of Appeals, that Exxon was responsible for exposing its own employees to dangerously high levels of asbestos without adequate—or, indeed, any—respiratory protection,” said Mr. Waddell. “If Exxon had spent a fraction of the resources attempting to protect this man than it spent trying to evade responsibility in this lawsuit, then our client and his family never would have suffered this tragedy.”

About Baron & Budd, P.C.

For more than 30 years, the law firm of Baron & Budd, P.C. has championed the rights of people and communities harmed by corporate misconduct. With more than 50 attorneys and offices in California, Texas and Louisiana, Baron & Budd enjoys a national reputation as a leader of the plaintiffs’ bar. The firm represents individuals with mesothelioma and other diseases caused by asbestos; injuries caused by other toxic substances and unsafe pharmaceuticals; water authorities seeking clean-up costs for drinking water contamination; government entities and whistleblowers fighting corporate fraud through Qui Tam and False Claims Act cases; securities investors defrauded by corporate wrongdoing; and consumers in class actions.