

MEALEY'S

Special Report

**Premises Liability and
Toxic Tort Litigation**

Mealey's Coverage 1993-2003

SECOND EDITION
REVISED AND EXPANDED

MEALEY'S LITIGATION REPORT: ASBESTOS
SPECIAL REPORT: PREMISES LIABILITY AND TOXIC TORT DAMAGES
edited by Pete Kelso and Cheryl Scott

W. Thomas Hagy, *vice president & general manager*
Maureen H. McGuire, *editorial director*
Jenifer L. Rolecki, *production designer*

The Report is produced by



217 W. Church Road, P.O. Box 62090, King of Prussia Pa, 19406-0230 USA
Telephone: (610) 768-7800 1-800-MEALEYS (1-800-632-5397) Fax: (610) 962-4991 Email: mealeyinfo@lexisnexis.com
Web site: <http://www.mealeys.com>

© COPYRIGHT 2003 LEXISNEXIS, DIVISION OF REED ELSEVIER INC. ALL RIGHTS RESERVED.

Introduction

For almost 20 years, **Mealey Publications** has brought its subscribers coverage of complaints, decisions, verdicts, settlements, and trends in litigation involving asbestos and other toxic contaminants. Defendants in the cases covered have been primarily manufacturers, suppliers, and distributors of the toxic materials. The Mealey's archive, however, not only the volumes of **Mealey's Litigation Report: Asbestos** but also those of **Mealey's Emerging Toxic Torts**, **Mealey's Litigation Report: Mold** and **Mealey's Litigation Report: Silica**, contains a large number of cases asserting claims of premises liability, and at a time when new contaminants and toxic substances are being identified and new litigation begun, a survey of past litigation offers valuable insight and information.

When the RAND Institute for Civil Justice released its study of asbestos litigation in the Fall of 2002, it noted that asbestos suits have been brought against defendants in 75 of the 83 categories of businesses defined by the United States Department of Commerce and that there have been more than 600,000 claims filed against more than 6000 defendants. Those defendants have spent more than \$54 billion in judgments and costs, and more than a third of that total was not covered by insurance. Additional claims are expected to match those totals, and a significant number of the suits will assert claims of premises liability, as will suits alleging injury from other toxic substances.

The special report **Premises Liability and Toxic Tort Litigation** brings together 98 cases from more than two dozen jurisdictions and covers premises complaints involving contamination by asbestos and other toxic substances. It will be of value to litigators and to other interested parties in offering parallels, in discerning new approaches and in developing theories of liability and defense. The stories follow the topical order of the case list, and the full text of 140 referenced legal documents – complaints, motions, briefs, orders, and opinions – is also included in this special compilation.

Please let us know of developments in your own work and litigation. We welcome your submissions and news, and would be glad to hear your suggestions for future Special Reports.

Pete Kelso, editor, **Mealey's Litigation Report: Asbestos**

Cheryl Scott, editor, **Mealey's Litigation Report: Asbestos**

Bill G. Lowe, editor, **Mealey's Emerging Toxic Torts**

Colleen Keenan, editor, **Mealey's Litigation Report: Mold**

Gerald C. Matics, editor, **Mealey's Litigation Report: Silica**

Francis X. Mooney, compilation editor

Contents Of This Issue

Asbestos Exposure

HSE Releases Guide To Managing Asbestos In Premises <i>Working to ensure compliance with UK Control of Asbestos at Work Regulations</i>	13
U.S. Supreme Court Declines To Stop Mass Consolidated Asbestos Trial In West Virginia <i>Trial involves more than 8000 plaintiffs and 250 defendants</i>	15
Union Carbide Knowledge Of Asbestos The Focus In 1st week of W. Va. Mass Trial <i>Deposition testimony of company's former medical director marks first week of trial</i>	16
Union Carbide Left As Remaining Defendant In W. Va. Consolidated Trial <i>Plaintiffs allege company is liable for their asbestos exposure in its plants</i>	17
West Virginia Jury Finds Union Carbide Product Defective, Premises Unsafe <i>Responsible for creating 'unreasonably dangerous' work conditions in its plants</i>	18
Class Complaint Filed By Bakery Employees, Consumers Over Contaminated Snacks <i>Complaint seeks medical monitoring, damages, return of money from Twinkie sales</i>	20
Documentation Requirements Constitute Breach Of Contract, Asbestos Companies Charge <i>Seek declaration that they are inconsistent with policies and not applicable to claims at issue</i>	21
Texas Court Affirms Injunction Against Filing Other Suits <i>Plaintiffs initially filed suit seeking declaratory relief as to premises claims</i>	22
MDL Judge Dismisses 3 Multi-Plaintiff Premises Complaints <i>Cites deficiencies in actions; gives individual plaintiffs 90 days to refile</i>	26
Premises Defendant Asks MDL Judge To Maintain Jurisdiction Over Cases <i>Three actions involved claims for injuries allegedly resulting from asbestos</i>	28
Armco Steel Seeks Order Vacating Texas Court Remand, Says MDL Court Has Jurisdiction <i>Argues that Pennsylvania court has jurisdiction over premises liability action</i>	29
California Appeals Court Reverses Settlement, Says Counsel Are Not 'Parties' <i>Litigants' failure to sign alleged agreement makes it unenforceable</i>	31
New York Jury Awards \$47 Million In Premises Suit To Meso Victim <i>Premises defendants asserted manufacturers and site contractors bore responsibility</i>	33
California Appeals Court Affirms Ruling Granting Shell Oil Summary Judgment <i>Finds service station lessee did not provide enough evidence to prove duty to warn</i>	35
Louisiana Appeals Court Affirms \$213,750 Award Against Exxon-Mobil <i>But concludes lower court erred in allowing jury to determine comparative fault for nondefendants</i> ...	37
Texas High Court Agrees To Consolidate Mass Personal Injury Cases <i>Upholds ruling to consolidate 22 liability claims against five premises defendants</i>	39
Warehouse Owner Owes No Duty To Mesothelioma Victim <i>Victim worked as longshoreman for various stevedoring companies leasing warehouse space</i>	42

Texas Court Upholds \$4 Million Verdict In Household Exposure Suit <i>Asbestos exposure from washing work clothes caused mesothelioma</i>	44
Information Needed Before Granting Summary Judgment In Asbestos Indemnity Claim <i>Not enough information exists on whether defendant could succeed in third-party complaint</i>	46
California Appeal Court Reverses Nonsuit Against Refinery Worker, Affirms Decision For Exxon, Fluor <i>Sees sufficient evidence for jury to find company liable for asbestos-related injury</i>	48
Couple Awarded \$20M; Will Receive Half Due To Bankrupt Defendant <i>Mini-trial to decide punitive damages held a week after jury delivered original verdict</i>	51
On Rehearing, Indiana Court Reaffirms Decision On Wrongful Death Action Accrual <i>Says defendants cannot argue on rehearing what was not briefed or argued in appeal</i>	53
Wrongful Death Limitations Period Accrues On Date Of Death, Indiana Court Rules <i>Accrues at point of death and not upon discovery of the disease</i>	54
Appeals Court Overturns Judgment In Favor Of Premises Owner <i>Finds genuine issues remain on whether owner should have known of asbestos dangers</i>	57
Meso Victim, Wife Awarded \$3.7 Million For Negligence Claims Against Unocal Corp. <i>Victim plaintiff died three weeks after the verdict</i>	59
Premises Owner Has Limited Liability For Injuries Caused By Contractor <i>Plaintiff's work exposed him to airborne asbestos produced by other trades</i>	60
Building Owner Responds To Negligence Claims After Fire Allegedly Spreads Asbestos <i>Response says conditions of the lease waive right to subrogation and jury trial</i>	63
Lung Cancer Victim, Wife Sue Manufacturers, Premises Owners, Insurance Company <i>Former insulator alleges defendants acted in concert to cause his asbestos-related disease</i>	65
Premises Liability Claim By Contractor Employee Reinstated In California <i>Cannery owner may have been liable for negligence for asbestos exposure</i>	68
N.Y. Appeals Court Affirms Summary Judgment For IBM In Premises Liability Case <i>Construction laborer claimed injury was caused by exposure under IBM's control</i>	70
Summary Judgment To Contractor Affirmed by California Appeals Court <i>Hotel employee with mesothelioma was unable to prove contractor liability</i>	71
Ohio Union Members File Medical Monitoring Class Action <i>Complaint names more than 60 product manufacturers, suppliers and premises owners</i>	73
Louisiana Federal Court Remands 5 Shipbuilder Suits <i>No proved link between federal government's specifications and failure to warn claims</i>	75
New Trial Sought In California After Aerojet Is Found 5 Percent Liable <i>Aerojet argues weight of the evidence at trial insufficient to support premises liability</i>	77

Cumulation Appropriate; Writ Applications Denied <i>Two premises defendants had argued no 'community of interest' among joined parties.....</i>	80
ExxonMobil Defeats Claims For Mixed-Dust Injuries Arising From Work Exposure <i>Plaintiffs claimed decedent was exposed to respirable asbestos and silica on their premises.....</i>	82
Appeals Court Reinstates Wrongful Death Claims <i>Defendant did not demonstrate that it did not proximately cause asbestos injuries and death</i>	8
Indiana Jury Delivers 3 Defense Verdicts, \$494,000 Award In Premises Case <i>Third-generation insulator diagnosed with peritoneal mesothelioma.....</i>	86
Texas Judge Vacates Conflicting Remand Order <i>Follows argument that MDL 875 court in Pennsylvania has jurisdiction.....</i>	88
Texas Judge Imposes \$500,000 Sanction Against Plaintiff Firm For 'Forum Shopping' <i>Abuse of judicial process cited in several premises liability cases</i>	89
Jury Finds Premises Owner Is Not Liable For Insulator's Claims <i>Celanese asserted it did not have control of the work of an independent contractor</i>	91
West Virginia High Court Denies Prohibition Writ For Premises Case Plan <i>Trial management plan covers more than 1000 premises liability asbestos cases</i>	93
Premises Liability Defendants Dismissed From Kansas Action <i>All plaintiffs were employed by independent contractors; defendants owed no duty.....</i>	95
Kansas Court Won't Review Premises Liability Dispute <i>Declines to hear dispute between premises owners and workers claiming asbestos exposure</i>	97
New York Court Overturns Ruling On Indemnification <i>Finds no link between contractor and alleged asbestos manufacturing and distributing practices ..</i>	98
Ruling Against Contractor Partly Reversed In New York Premises Liability Suit <i>Contractor not obligated to indemnify utility for asbestos personal injury action</i>	99
Texas Jury Returns \$9.6 Million Verdict In Mesothelioma Case <i>Said to be first asbestos premises liability case tried to verdict in Texas.....</i>	101
U.S. Steel Settles Premises Case Following \$250 Million Illinois Verdict <i>Site of exposure has Indiana law applied to case under Illinois borrowing statute</i>	103
PEPCO Laborer, Family Awarded \$2.5 Million For Construction Exposure <i>Jury finds mesothelioma developed before date when state damages cap became effective</i>	104
Maryland Judge Rules Landowner Is Not Liable For Employee's Injury <i>Finds recovery by employee falls under the laws of workers' compensation.....</i>	105
Benzene	
California Appellate Court: Sophisticated Employer No Relief From Duty To Warn <i>Panel says manufacturers and suppliers of all products have a duty to warn in California</i>	107

Carbon Monoxide

- Ohio Supreme Court: Carbon Monoxide Not 'Pollutant' Nor Exclusion Trigger
Insurer has duty to defend and indemnify apartment complex owner and manager 109

Chemical Fumes

- Louisiana Defendant Opposes Motion To Remand, Citing Amount In Controversy
Opposition to remand motion also alleges diversity of citizenship in the parties 112
- Wisconsin Appeals Court Affirms Jury Apportionment Of Exposure Negligence
Plaintiff attributes accident to coughing after exposure to coolant filtration tower chemicals..... 114

Chlorine Dioxide Fumes

- Premises Liability Claims By Worker Exposed To Chlorine Dioxide Dismissed
Court concludes gas leak was an unforeseeable and fortuitous event 116

Hydrochloric Acid

- Tangipahoa Parish Cases Claim Exposure To Toxins; 12 Cases Consolidated
Canadian National Railway train derailment released hydrochloric acid and styrene 118
- Tangipahoa Parish Derailment Precipitates Class Actions In Louisiana Federal Court
Claims in train accident include negligence, premises liability and strict liability 120

Insecticide Exposure (Dursban)

- Summary Judgment Granted in Dursban Exposure, Premises Liability
Medical expert's opinion that death was caused by Dursban unsupported by the facts 122

Mold Contamination

- An Indiana Employee Alleges She Became Ill Because Of Mold Exposure
Maintenance worker alleges negligence including failure to maintain leased premises 124
- Washington Apartment Residents File Proposed Class Action In Mold Contamination Case
Maintain mold caused personal injuries such as aggravated asthma 125
- New York Employee Seeks \$65 Million For Mold Exposure At Work
Said to be 30 mold exposure suits pending against Dormitory Authority of New York..... 126
- Class Action Alleges Denver Airport Contaminated With Mold
Complaint seeks to establish medical monitoring fund for all exposed since 1995 127
- California Appeals Court Remands Mold Case For Rent Abatement Determination
Affirms trial court's finding that the renter failed to prove her injury claims 129
- Indiana Proposed Class Claims Mold Exposure In Schools
Exposure to toxic mold caused bodily injury, pain and suffering and emotional distress 131
- Indiana Judge Lets School Remove Moldy Books
Textbooks and teaching materials must be cleaned in accordance with EPA guidelines 131

California Employee Exposed To Mold Seeks Medical Monitoring <i>'Chronic water intrusion and leakage have caused the growth of dangerous toxic mold'</i>	134
Ohio Employee Sues Over Mold Exposure <i>Defendant was retained to maintain all buildings and mechanical systems at premises</i>	135
California Appeals Court Affirms Arbitration Clause Doesn't Apply In Resident's Mold Case <i>'We conclude the arbitration clause lacked sufficient "bilateralism" and was unconscionable'</i>	136
Delaware Landlord Disputes Mold Contamination Verdict <i>Methodology of tenants' medical experts forms part of dispute</i>	137
Delaware High Court Hears Arguments On \$1 Million Award In Mold Exposure Case <i>Landlord argued medical experts ignored other possible causes of injuries</i>	138
Delaware High Court Upholds \$1 Million Verdict Award To Apartment Residents <i>Injuries claimed from water leaks and resulting mold in their apartments</i>	139
Kansas Judge Finds Landlord Not Liable In Mold Exposure Case <i>'The mold complained of by tenants was not visible them or defendant'</i>	141
California Apartment Residents Allege Mold Exposure <i>Claim construction defects led to mold contamination that caused injuries</i>	143
California Appeals Court Orders Production Of Mediation Records To Nonparties <i>Grants homeowner's petition and orders trial court to conduct in camera review</i>	144
Illinois Student Seeks \$50,000 For Injuries Allegedly Caused By Mold Exposure <i>Left school because of illness and claims high levels of carbon monoxide and mold</i>	146
California Apartment Renters Allege Mold Caused Injuries <i>Family allege plumbing leak resulted in mold growth that contaminated unit</i>	147
Calif. Proposed Class Action Seeks Medical Monitoring For Mold, Asbestos Exposure <i>Apartment residents seek establishment of fund for mold-related injuries</i>	148
California Judge Grants Motion To Strike In Mold Proposed Class Action <i>Finds individualized proof of liability and causation defeat class certification</i>	149
California Appellate Court Affirms Class Certification Not Appropriate In Mold Case <i>Finds no common defect has been alleged that would establish community of interest</i>	150
<i>Mycobacteria</i>	
California Electrician Sues For Mycobacterial Infection Allegedly Contracted At Work <i>Alleges exposure to mycobacteria in cooling tower caused his terminal lung disease</i>	153
<i>Petroleum Contamination</i>	
Judge Dismisses Some Contamination Claims In Michigan Action <i>Current property owner failed to state claims for negligence, nuisance, trespass and strict liability ...</i>	155
Texas Court: Former Owners, Lessors Not Liable <i>Cannot be held liable for soil contamination based on a premises liability theory</i>	157

Soil Contamination Claims Against Former Property Owners Dismissed
Finds they did not conceal existence of underground storage tanks 159

Sick Building

Proposed Class Action Filed Against Illinois School Claims Sick Building Conditions
1700 school students, parents and teachers seek more than \$67 million for injuries 161

Illinois Court Allows Injunctive Relief Claim In Sick Building Action
At issue were claims that irreparable harm would occur if school building stayed open 162

Silica

Victims Of Silica Exposure File Product / Premises Suit In Mississippi Circuit Court
Allege companies provided defective products and failed to warn of associated dangers 164

1st Amended Complaints Filed In Mississippi Venues; Sandblasting Injury Claimed
Two complaints filed on behalf of 95 total plaintiffs and each name 76 defendants 165

2nd Amended Complaint Filed On Behalf Of 620 Mississippi Plaintiffs
Allege injury from silica, sandblasting equipment and defective respiratory equipment 167

5 Ingalls Shipyard Workers Claim Injury From Silica; 75 Defendants Named In Suit
Claim product and premises liability, failure to warn, product defect, and negligence 168

2 Group Silica Complaints Filed In Mississippi Court; Conspiracy, Injury Alleged
Name 76 defendants who made silica products or sandblasting-related equipment 169

Mississippi Litigants Spar Over Proper Forum
Parties await decision on whether to stay case pending outcome of motion to transfer 170

Toxic Fumes

Amoco Employee Claims Intentional Exposure To Highly Toxic Fumes
Maintains company knew exposure would occur during creation of chemicals 172

Claims Against Employer Barred By Workers' Comp Act, Illinois Circuit Court Rules
Claims from non-employees and claims against two other defendants survive 173

Illinois Circuit Court Grants Amoco Building 503 Plaintiffs Leave To Amend Complaints
Judge found defendants' challenge of premises liability-negligence claims meritorious 174

Employee Plaintiffs' Deadline Near To Answer Amoco Motion To Dismiss Amended Claims
Former employees seek to recover for injuries allegedly caused by toxic exposure 175

Illinois Court Limits Claims Against Amoco For Injuries In Company Research Center
Sustains claims for premises liability on pleadings of failure to investigate and correct 177

Toxic Paint Fumes

Louisiana Court: Independent Contractor Defense Bars Action
Worker allegedly injured from toxic paint fumes cannot hold oil company liable 180

Cases In This Issue**Asbestos Exposure**

W.Va. Cir.	<u>Adkins v. Mobil Oil Corp.</u>	
	Petition	#01-021004-006M
	Reply brief	#01-021004-007B
	Respondent's brief in support	#01-021004-008B
	Big 3 Automakers brief in support	#01-021004-009B
	Premises Owners brief in support	#01-021004-010B
	Argo brief in support	#01-021004-011B
Ill. Cir.	<u>Anael, et al. v. Interstate Bakeries Corp., et al.</u>	
	Complaint	#01-980220-010
Texas Dist.	<u>Asarco Inc., et al. v. American Home Assurance Co., et al.</u>	
	Amended Complaint	#01-020517-103C
W.Va. Cir.	<u>Asbestos Personal Injury Litigation, In re:</u>	
	Judge's Charge	#01-021101-102J
	Jury Forms	#01-021101-103J
	Transcript of opening statements	#01-021101-004T
	Transcript of closing statements	#01-021101-005T
E.D. Pa.	<u>Asbestos Products Liability Litigation, In re</u>	
	Order dismissing complaints (King, Evans, Flores)	
	without prejudice	#01-971205-110
6th Cir.	<u>Ronnie D. Bean, et al. v. Owens Corning Fiberglas Corp., et al.</u>	
	Opinion	#01-030723-105Z
Calif. App.	<u>Burckhard, et al. v. Del Monte Corp., et al.</u>	
	Opinion reversing enforcement of settlements	#01-960920-003
6th Cir.	<u>J. Paul Carneal, et al. v. Triangle Enterprises Inc.</u>	
	Opinion	#01-030723-105Z
N.Y. Sup.	<u>Robert Croteau v. Consolidated Edison Inc., et al.</u>	
	Verdict Form	#01-030402-101J
Calif. App.	<u>Rolando Doval, et al. v. Shell Oil Co.</u>	
	Opinion	#01-020503-008Z
La. App.	<u>Morris Emery and Emma Sylvester-Emery, et al. v. Owens-Corning Corporation, et al.</u>	
	Opinion	#01-011126-103Z
Texas Sup.	<u>Ethyl Corp., USX Corp., Todd Shipyards Corp. and Texas City Refining Inc., In re Opinion upholding consolidation ruling</u>	#01-980717-109
La. App.	<u>Douglas Faulkner, et al. v. The McCarty Corp., et al.</u>	
	Opinion	#01-030709-109Z
Texas App.	<u>Fuller Austin Insulation Co. Inc. v. Kay Bilder, et al.</u>	
	Opinion affirming verdict	#01-980123-009
6th Cir.	<u>Horace Garland, et al. v. Tennessee Valley Authority</u>	
	Opinion	#01-030723-105Z
Calif. App.	<u>Grahn, et al. v. Exxon Corp.</u>	
	Opinion reversing ruling of nonsuit	#01-981002-104
Calif. Super.	<u>William and Vonda Hardcastle v. J-M A/C Pipe Corp.</u>	
Ind. App.	<u>Holmes v. AcandS Inc., et al.</u>	
	Opinion reversing trial court	#01-990507-110
	Opinion reaffirming reversal	#01-990716-003
6th Cir.	<u>Frances Dee Hall, individually and as executrix of the estate of Burl R. Hall v. Owens Corning Fiberglas Corp., et al. v. Tennessee Valley Authority</u>	
	Opinion	#01-030723-105Z

La. App.	<u>Mamie Jefferson v. Cooper T. Smith Corp., et al.</u>	
	Opinion	#01-031103-102Z
Calif. Super.	<u>Ray Kinsman and Jo Kinsman v. Unocal Corp., Inc.</u>	
Calif. App.	Opinion	#01-030903-107X
Mo. Cir.	<u>Gregory Leyh v. Tower Properties Co.</u>	
	Tower Response	#01-010720-107C
Texas App.	<u>London Market Insurers v. American Home Assurance Co., et al.</u>	
	Opinion	#03-030114-103Z
	Amended complaint	#03-030114-026C
Texas Dist.	<u>Robert Maney and Dorothy Maney v. ACandS Inc., et al.</u>	
	Complaint	#01-020315-101C
Calif. App.	<u>May, et al. v. Hunt-Wesson Inc.</u>	
	Opinion reversing summary judgment.....	#01-960920-012
N.Y. App.	<u>Battista Mazzocchi, et al. v. International Business Machines Inc. and AcandS Inc., et al.</u>	
	Opinion	#01-020517-002Z
Calif. App.	<u>Mindham, et al. v. Plant Brothers Corp.</u>	
	Opinion upholding summary judgment	#01-980515-103
OhioComm.Pls	<u>Morgan, et al. v. Owens Corning Fiberglas Corp., et al.</u>	
E.D. La.	<u>Mouton v. Flexitallic, et al.</u>	
	Decision remanding suits	#01-990507-103
Calif. Super.	<u>Palmore v. A.P. Green Industries Inc., et al.</u>	
	Aerojet motion for new trial	#01-991008-101
	Palmore response in opposition	#01-991008-102
	Aerojet reply brief	#01-991008-003
La. App.	<u>Eldridge P. Pierce, et al. v. Reilly-Benton Co. Inc., et al.</u>	
	Opinion	#01-030521-011Z
La. App.	<u>David Poche, et al. v. Reilly-Benton Co. Inc., et al.</u>	
	Opinion	#01-030521-011Z
Texas Dist.	<u>Ona Mae Powers, Individually and as the representative of Johnny Lee Powers v. Exxon Corp. and Mobil Oil Corp.</u>	
Texas App.	<u>Gilda Richard, et al. v. Reynolds Metal Co.</u>	
	Opinion	#01-030709-104Z
Ind. Super.	<u>William Lee Roberts Jr. and Beverly Roberts v. Central Soya Inc., et al.</u>	
	Verdict form	#01-020607-014J
S.D. Texas	<u>Ruffin v. Armco Steel Corp.</u>	
	Opinion vacating remand order	#01-990205-008
Texas Dist.	<u>San Juan Acosta, et al. v. Aluminum Company of America, et al.</u>	
	Order	#01-021115-105R
	Motion	#01-021115-106M
	Amended complaint	#01-021115-007C
Texas Dist.	<u>Fidencio Orta Sanchez v. Celanese Ltd.</u>	
W. Va. Sup.	<u>State of West Virginia, ex rel. Appalachian Power Co., et al. v. Honorable A. Andrew MacQueen III, et al.</u>	
	Opinion denying writ of prohibition.....	#01-961206-106
Kan. Sup.	<u>Stone, et al. v. AC&S Inc., et al.</u>	
Kan. Dist.	<u>Stone, et al. v. AC&S Inc., et al.</u>	
	Journal entry on premises liability	#01-951117-103
N.Y. Sup.	<u>Szalkowski, et al. v. Asbestospray Corp., et al.</u>	
	Opinion on third party motion.....	#01-990319-002
	Memorandum and order	#01-990423-107
Texas Dist.	<u>William C. Tipp Jr. v. Dow Chemical Co.</u>	
	Jury Questions	#01-030618-102V
Ill. Cir.	<u>Roby Whittington v. U.S. Steel Corp., et al.</u>	
	Verdict Form	#01-030402-102J

Md. Cir.	<u>Alexander Wilson v. ACandS Inc.</u>	
	Memorandum Opinion and Order	#01-020104-105Z
	Motion for Summary Judgment	#01-020104-109M
	Memorandum in Support	#01-020104-110M

Benzene

Calif. App.	<u>Antonio Laico, et al. v. Atlantic Richfield Co., et al.</u>	
	Opinion	#15-011221-030

Carbon Monoxide

Ohio Sup.	<u>Andersen, Admr. v. Highland House Co., et al.</u>	
	Opinion	#03-011120-101Z
	Opinion	#03-011120-030Z

Chemical Fumes

E.D. La.	<u>Mona Daigle, et vir v. Borden Chemicals Inc.</u>	
	Notice of removal	#15-030919-011X
	Plaintiffs motion to remand	#15-030919-037M
	Opposition to remand	#15-030919-038B
Wis. App.	<u>Rick J. Guerard, et al. v. Daimler Chrysler Motors Corp., et al.</u>	
	Opinion	#15-031017-119Z

Chlorine Dioxide Fumes

4th Cir.	<u>Price v. Federal Paper Board Company</u>	
	Fourth Circuit opinion	#15-980626-004
	District Court opinion	#15-980626-004

Hydrochloric Acid

E.D. La.	<u>Addison v. Illinois Central Railroad</u>	
	Notice of removal	#15-021115-012C
E.D. La.	<u>Banks v. Illinois Central Railroad</u>	
	Notice of removal	#15-021101-017C
	Answer	#15-021101-018B
E.D. La.	<u>Blades v. Illinois Central Railroad</u>	
	Notice of removal	#15-021101-023C
E.D. La.	<u>Howard Keith Cook, et al. v. Canadian National Railway Co., et al.</u>	
	Cook complaint	#15-021115-015C
	Cook notice of related cases	#15-021115-016B
E.D. La.	<u>Daniel Edwards v. Canadian Railways</u>	
	Notice of removal	#15-021101-019C
	Answer	#15-021101-020B
E.D. La.	<u>Ruby Edwards v. Canadian National Railway</u>	
	Complaint	#15-021101-015C
E.D. La.	<u>Rosie Harrell, et al. v. Canadian National Railway Co.</u>	
	Notice of removal	#15-021101-014C
E.D. La.	<u>Jenkinson v. Canadian National Railway</u>	
	Complaint	#15-021101-021C
E.D. La.	<u>Mixon v. Canadian National Railway</u>	
	Complaint	#15-021101-016C

E.D. La.	<u>Moore v. Canadian National Railway</u> Complaint	#15-021115-014C
E.D. La.	<u>Oliphant v. Canadian National Railway</u> Complaint	#15-021101-013C
E.D. La.	<u>Reid v. Canadian National Railroad</u> Notice of removal	#15-021101-026C
E.D. La.	<u>Vernon v. Canadian National Railway</u> Notice of removal	#15-021115-013C
E.D. La.	<u>Washington v. Canadian Railroads</u> Notice of removal	#15-021101-022C

Insecticide Exposure (Dursban)

D. Del.	<u>Hubscher v. Pantzer Management Co.; Atlantic States Termite & Pest Control; and Delaware Medical Care Inc.</u> Opinion and summary judgment	#15-951006-102
---------	---	----------------

Mold Contamination

Ind. Super.	<u>Denise Bledsoe, et al. v. Robert Ross, et al.</u> Complaint	#42-021007-004C
Wash. Super.	<u>Michael Bowman, et al. v. Forest Glen LLC, et al.</u> First amended complaint	#42-021007-002C
N.Y. Sup.	<u>Robert E. Coiro, et al. v. Dormitory Authority of the State of New York</u> Complaint	#42-010205-106
Colo. Dist.	<u>Terri Crandall, et al. v. The City and County of Denver, Colorado, d/b/a The Denver International Airport</u> Complaint	#42-030714-102C
Calif. App.	<u>Christine Dick v. Pacific Heights Townhouses, et al.</u> Opinion	#42-021007-154Z
Ind. Super.	<u>Gianna Dorsey, et al. v. The School City of Gary, Indiana, et al.</u> Complaint	#42-010606-009C
	Agreed order	#42-011008-022R
	Motion	#42-011008-023M
	Response	#42-011008-024M
	Order	#42-011008-025R
Calif. Super.	<u>Anita Haag v. Lawrence Family LLC</u> Complaint	#42-030203-006C
Ohio Comm. Pls.	<u>Christina E. Hughes v. Jorgensen Maintenance Services Inc., et al.</u> Complaint	#42-011203-014C
Calif. App.	<u>Dino Jaramillo, et al. v. JH Real Estate Partners Inc., et al.</u> Opinion	#42-030915-126Z
Del. Super.	<u>New Haverford Partnership, et al. v. Elizabeth Stroot, et al.</u> Opening brief	#42-001113-007
	Answer brief	#42-001113-008
	Reply brief	#42-001113-009
Del. Sup.	Opinion	#42-010606-101Z
Kan. Dist.	<u>Thomas Peterson, et al. v. Betsy Martin</u> Orders	#42-020909-114R
Calif. Super.	<u>Genoveva Rojas, et al. v. Julie Coffin, et al.</u> Complaint	#42-011008-006C
Calif. App.	Opinion	#09-021113-116Z
Ill. Cir.	<u>Elizabeth Steinberg v. Board of Education of St. Charles School District No. 303, Kane County, Ill., a Local Unit of Government</u> Complaint	#42-010606-010C

Calif. Super.	<u>Duke G. Warner, et al. v. Todd Drawbaugh</u>	
	Complaint	#42-020701-001C
Calif. Super.	<u>Sharon R. Wheeler, et al. v. Avalonbay Communities, et al.</u>	
	Complaint	#42-010110-108
	Motion to Strike	#42-010904-114M
	Opposition	#42-010904-115M
	Order	#42-010904-116M
Calif. App.	Opinion	#42-021202-115Z

Mycobacteria

Calif. Super.	<u>Theodore John Lewis Sr., et uxore v. IBM Corp., et al.</u>	
	Amended complaint	#15-031017-008C

Petroleum Contamination

W.D. Mich.	<u>Busch Oil Company v. AMOCO Oil Co.</u>	
	Opinion and order	#09-960426-102
Texas Dist.	<u>Owens v. Estate of Walter Erwin, Jr., et al.</u>	
	Opinion on liability	#15-970509-107
	Opinion and summary judgment	#15-970912-003

Sick Building

Ill. Cir.	<u>Andrejevic v. Board of Education of Wheaton-Warrenville School District No. 200, DuPage County. Ill.</u>	
	Complaint	#15-990709-101
	Motion to dismiss preliminary injunction claim	#15-000407-010
	Plaintiffs motion on injunctive relief	#15-000407-011
	Order on injunctive relief claim	#15-000407-013
	Amended complaint	#15-000407-012

Silica

Miss. Cir.	<u>Denson Allen v. Clark Sand Co.</u>	
	Complaint	#62-030228-102C
Miss. Cir.	<u>Mervin Andrews Jr., et al. v. Clark Sand Co., et al.</u>	
	Complaint	#62-030228-013C
Miss. Cir.	<u>David Ball v. Clark Sand Co., et al.</u>	
	Complaint	#62-030228-003C
Miss. Cir.	<u>Eddie Betts v. Clark Sand Co., et al.</u>	
	Complaint	#62-030228-004C
Miss. Cir.	<u>Charles E. Clayton, et al. v. Clark Sand Co., et al.</u>	
	Amended Complaint	#62-030228-111C
Miss. Cir.	<u>Lawrence K. Dycus v. Clark Sand Co.</u>	
	Complaint	#62-030228-006C
N.D. Miss.	<u>C.W. Fortney, et al. v. Aearo Co., et al.</u>	
	Representative motion and memorandum on remand	#62-030731-102M
	Motion and memorandum on stay of proceedings	#62-030731-103M
	Notice of removal	#62-030731-004X
	Original complaint	#62-030731-005C
Miss. Cir.	<u>Robert E. Hammett, et al. v. Clark Sand Co., et al.</u>	
	Complaint	#01-021018-103C
	Amended Complaint	#62-030228-109C

Miss. Cir.	<u>Martin Houston, et al. v. Clark Sand Co., et al.</u>	
	Complaint	#62-030228-010C
Miss. Cir.	<u>William Jerrell v. Clark Sand Co., et al.</u>	
	Complaint	#62-030228-012C
Miss. Cir.	<u>Andrew Jones, et al. v. Clark Sand Co., et al.</u>	
	Complaint	#62-030228-105C

Toxic Fumes

Ill. Cir.	<u>Irwin S. Ginsburg v. Amoco Oil Co., et al.</u>	
	Complaint	#15-990818-107
	Preemption Memorandum	#15-010202-108
	Sigma Aldrich Memorandum	#15-010202-109
	Johnson Controls Memorandum	#15-010202-110
	Supplemental order and motions	#15-010504-006R
	Amoco motion to dismiss	#15-011019-012M
	Amoco exhibits	#15-011019-013B
	Order to Dismiss in Part	#15-020703-103R

Toxic Paint Fumes

W.D. La.	<u>Fox v. Dual Drilling Co., et al.</u>	
	Reasons for judgment	#15-970509-008