

Arbitrators' Award Boosts Asbestos Settlement to \$178.5 Million for Workers

More than 2,000 refinery and chemical workers and their families in Southeast Texas will be awarded another \$140 million for asbestos exposure thanks to an arbitration award and settlement of a nearly 30-year-old legal case, according to a release from one of the firms involved, **Provost Umphrey, L.L.P.**

The award, from a three-judge arbitration panel, comes in addition to a previously agreed-upon \$38 million settlement in the case, *Cimino v. Raymark Industries*, which began in 1990. Altogether, a bankruptcy trust will pay \$178 million to resolve the claims of the workers and their families.

The panel's decision brings an end to one of the longest-running civil litigations in history, according to the release. The 2,288 plaintiffs were originally diagnosed with an asbestos-related disease, including mesothelioma, between 1985 and 1987. When the cases were tried as a class action in 1990, the plaintiffs prevailed and the court entered judgments totaling more than \$1.3 billion.

But after 10 years of motions, transfers and appeals, the 5th Circuit Court of Appeals found against the plaintiffs, reversed the judgments and sent the cases back to the trial court. The remaining defendant, Pittsburgh Corning Corporation (PCC), subsequently filed for bankruptcy and the Cimino plaintiffs were forced to wait another 16 years before having the opportunity to file bankruptcy claims and litigate their right to compensation from the PCC Asbestos Trust.

Between 1989-1990, the Cimino litigation involved:

2,354 depositions
1,400 independent medical exams
133 days of trial
271 expert witnesses
292 fact witnesses
6,176 exhibits
373 court orders
58 lawyers

Ultimately, the case produced four published opinions.

“While we are proud of successfully resolving this historic litigation, it is devastating to think that PCC’s unwillingness to treat our clients fairly means less than 3 percent of the original asbestos plaintiffs are alive today to receive this compensation,” said **Bryan Blevins** of Beaumont-based Provost Umphrey, L.L.P., who represented the firm’s clients in the case. “But what matters is they and their families are going to receive it, finally. That says something about their desire to see that justice was done.”

Representing the plaintiffs with Blevins were **Glen Morgan** of Reaud, Morgan & Quinn L.L.P. and **Joseph Rice** of Motley Rice, LLC.

Arguing before the arbitration panel were Blevins, Rice and New York University Law Professor Arthur Miller.