

PWHD Attorneys Win \$25,000,000.00 Verdict Against Exxon Mobil Corp.

On March 17, 2011, PWHD attorneys Robert R. Hatten, William W.C. Harty, and Hugh B. McCormick, III, won a \$25 million verdict in the Circuit Court for the City of Newport News, Virginia, for mesothelioma victim, Mr. Rubert E. Minton, from Exxon Mobil Corp.

This mesothelioma personal injury trial was prosecuted pursuant to 905(b) of the Longshore and Harbor Workers' Act which reserves to shipyard workers the right to prosecute claims for negligence against ship owners.

The Plaintiff, Bert Minton, had worked and was exposed to asbestos on 17 different Exxon ships between 1966 and 1977 at the Newport News Shipyard during repair periods. His job duties were to supervise the repairs and to work with Exxon's port engineer to coordinate that supervision with the ship owner. Minton had no knowledge of the dangers of asbestos exposure and neither he nor any of the shipyard workers on Exxon ships took any precautions to avoid asbestos exposure.

Exxon's representative, the port engineer, wrote all of the detailed specifications for the repairs of asbestos-insulated equipment onboard Exxon ships. The port engineer also worked on a daily basis with the shipyard's supervision reviewing the work and approving the work as it progressed. The evidence showed that the ship's crew actually participated in the use and removal of asbestos insulation, asbestos gaskets and packing, in the engine rooms of Exxon ships at the same time as similar work was being done by shipyard workers. The uncontradicted evidence from Exxon's own medical director from their industrial hygienist showed that Exxon had actual knowledge of the dangers of asbestos beginning in the 1930s, that they implemented detailed control procedures to prevent asbestos exposure in their refineries from the 1930s throughout the 1970s; and that these same procedures were supposed to apply on ships.

The evidence further showed that Exxon did nothing to protect either its crew or shipyard workers, including Mr. Minton, from asbestos exposure at the shipyard while its ships were being repaired.

The defense claimed that it relied upon the knowledge of the shipyard as a sophisticated shipbuilder to warn all of the workers who were exposed to asbestos onboard Exxon ships.

The jury found that Exxon's failure to warn the Plaintiff, other shipyard workers, or its own crew on its ships about dangers that were known and safety procedures that were known by Exxon constituted both negligence and a reckless disregard for the safety and health of the Plaintiff.

Exxon has expressed an intention to appeal.