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La. high court rejects Exxon appeal of pollution case

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NEW ORLEANS (AP) — The Louisiana Supreme Court on Friday declined to hear ExxonMobil's appeal of a pollution lawsuit awarding more than \$225 million to a retired judge who leased land to a now-defunct ExxonMobil contractor.

The oil company is now considering whether to ask the U.S. Supreme Court to throw out the verdict — which initially exceeded a state record-setting \$1 billion before a state 4th Circuit Court of Appeal reduced it a year ago to \$168 million plus interest.

"ExxonMobil acted responsibly by offering to remediate the property. The punitive damage award is completely unwarranted and should be eliminated," ExxonMobil attorney Charles Matthews said.

Stuart Smith, lead attorney for the Grefer family, said he'd be surprised if the U.S. Supreme Court considered taking the case given the "paltry sum" of the verdict compared to ExxonMobil's wealth as a company.

Smith noted that punitive damages in the case now stand at \$112 million, which compared to ExxonMobil's multibillion dollar value as a company "is like giving a speeding ticket to an ordinary citizen," he said.

The lawsuit dealt with contamination of about 33 acres of land owned by former judge Joseph Grefer in Harvey. The land had been leased to ExxonMobil contractor ITCO, which cleaned pipes of radioactive material that is generated during oil production.

In 1996, a pipe worker with leukemia discovered through his attorneys that the land was contaminated with radioactive material. The following year, the Grefers sued ExxonMobil and others over what has become known as Naturally Occurring Radioactive Material, or NORM.

In 2001, an Orleans Parish jury awarded the initial \$1 billion in punitive damages against ExxonMobil.

"The jury found that Exxon knowingly and intentionally broke the law and then intentionally conspired to cover it up, all the while exposing hundreds if not thousands of citizens to the

hazardous radioactive rays emitted by this toxic material," Smith said.

ExxonMobil has argued that the amount of radioactive contamination found on the Grefers' property was not considered enough by state regulators to be an immediate threat to public health, but the courts so far have disagreed and chastised the company for acting too slowly to clean up the mess when they first discovered it.

Smith said the Grefer family has retained contractors to clean up the land and have been waiting for the oil company to pay the costs laid out by the courts.

"Hopefully this decision will prod Exxon and the other major oil companies to seek out and clean up all of the waste they have left behind in the oil producing regions of the United States over the last century," Smith said.