

## Judge Tosses \$322M Asbestos Verdict

Holbrook Mohr, Associated Press

JACKSON, Mississippi (AP) — A Mississippi judge has thrown out a \$322 million lawsuit verdict that had been hailed as the largest asbestos award for a single plaintiff in U.S. history.

The case began to unravel last year after defense lawyers asked the Mississippi Supreme Court to remove the presiding judge because he allegedly neglected to disclose that his parents had been involved in similar asbestos litigation against one of the same companies. A specially appointed judge, William Coleman, issued an order vacating the verdict and award on Dec. 27.

The case from Smith County, Mississippi, involved a lawsuit filed by Thomas Brown, who claimed he had inhaled asbestos dust while mixing drilling mud sold and manufactured by Chevron Phillips Chemical Co. and Union Carbide Corporation.

Union Carbide spokesman Scot Wheeler said in an email to The Associated Press that the company was pleased with the verdict because it "was outrageous and completely unsupported by the facts and applicable law."

"Union Carbide will continue to vigorously defend all asbestos cases brought against the company," he said.

Wheeler said a retrial has been set for April but the venue for the trial has not been determined.

Brown, who was 48 at the time of the award in May, said he was diagnosed with asbestosis and required to take oxygen 24-hours a day. The jury awarded Brown \$300 million in punitive damages and \$22 million in actual damages. Brown's lawyer, Allen Hossley, said it was the biggest asbestos award ever to a single plaintiff.

Hossley, a Dallas attorney, didn't immediately respond Tuesday to a message requesting comment.

Union Carbide first asked Circuit Judge Eddie Bowen to toss out verdict not long after the record award was handed down. They also asked Bowen to step down from the case. When Bowen didn't respond, Union Carbide went to the Supreme Court and asked the justices to remove him.

Union Carbide claimed Bowen was a practicing attorney when his father and mother sued Union Carbide, seeking \$1 million for emotional distress. The company said that after the trial, it "learned that Judge Bowen's father had filed two asbestos lawsuits, one of which remains pending; and that both Judge Bowen's father and mother had settled asbestos claims with UCC and other defendants based on a

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diagnosis of asbestosis — which is the same disease claimed in this case."

The earliest lawsuit involving the judge's father dated back to 1989 and was filed in Jackson County on the Mississippi Gulf Coast.

Union Carbide said in its motion that Bowen's bias and prejudice against Union Carbide and Chevron Phillips were clear from his rulings, comments in front of the jury, and his coaching of Brown's attorneys in questioning witnesses.

The Mississippi Supreme Court granted Union Carbide's request to remove Bowen in October.

Coleman, who was appointed to take over, said in his order that he was vacating "the judgment, the underlying jury verdict, and all rulings and orders of the former trial judge."

The company is a wholly owned subsidiary of The Dow Chemical Company, according to its website, with over 2,400 employees. Its corporate center is in Houston and it has other locations in Texas, New Jersey, Louisiana and West Virginia.

Chevron Phillips Chemical Company is based in The Woodlands, Texas.

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