CURRENT LITIGATION

CARBON BLACK LITIGATION

The Walters Law Firm filed its first of numerous lawsuits against Continental Carbon Company, China Synthetic Rubber Corp., USA, Inc., and China Synthetic Rubber Corp. on behalf of Ponca City property owners, whose real and personal property has been damaged by air pollution emissions from the Defendants’ plant.

In Ponca City, Kay County, OK, Continental Carbon produces and manufactures furnace grade black - otherwise known as carbon black - for tires and other applications. With three U.S. production facilities, also including Phenix City, AL, and Sunray, TX, Continental Carbon is one of the five major carbon black producers in the United States.

Through its shell corporation China Synthetic, headquartered in Taiwan - owns the Ponca City Carbon Black Plant. China Synthetic has increased Carbon Black production and simultaneously ignored equipment malfunctions, defects and leaks.

Built in 1953 by Continental Oil, Conoco-Continental Carbon, Ponca City now produces more than 300 million pounds of carbon black annually. Carbon black manufactured at the Ponca City Plant is black, sticky and very difficult to wipe or clean off human skin, and real and personal property. Carbon Black is penetrating and can travel long distances, depositing nuisance dust inside residences and on property outdoors, while causing damage to the property. Per the Occupational Safety and Health Administration regulations, Carbon Black is considered hazardous.

The Walters Law Firm is currently representing hundreds of Ponca City property owners whose property has been damaged by the negligent behavior of the Defendants.

NEW LITIGATION/UPDATES

GADOLINIUM – MRI CONTRAST GONE BAD?

The Walters Law Firm is now investigating potential claims against the manufacturers of gadolinium. Gadolinium is a contrast agent in MRIs that allows physicians to visualize internal organs and tissues easier. It is injected into the patient’s circulatory system and is then expelled from the body quickly in patients with normally functioning kidneys. However, gadolinium has been linked to serious health problems in patients with kidney problems. Those patients are unable to expel the substance, which can lead to a condition known as Nephrogenic Systemic Fibrosis (NSF). Also known as Nephrogenic Fibrosing Dermopathy (NFD). Symptoms include skin hardening, breathing difficulties and muscle weakness. There is no known cure for NSF, and patients are sentenced to a lifetime of pain and suffering. Due to mounting evidence of gadolinium risk, the manufacturers issued a “Dear Doctor” letter on September 12, 2007, advising physicians of their updated Boxed Warning.

CHEMICAL EXPOSURE SETTLEMENTS

Settlements have been reached in two cases alleging benzene exposure from the former oil refinery in Sugar Creek, MO. The first case involved a young man diagnosed with Non-Hodgkin’s lymphoma when he was eleven years old. The second case was on behalf of another young man diagnosed with leukemia at the age of four. Both children lived in Sugar Creek near the refinery. The Walters Law Firm continues to represent more than 30 Plaintiffs alleging benzene exposure caused them to suffer from leukemia and/or lymphoma.

The illustrations to the right were used to demonstrate the suffering endured by the children exposed to the conditions in Sugar Creek.

NEW TEAM MEMBER

Katie McGuire joined The Walters Law Firm in February, 2006 as our legal assistant. Her assistance is primarily focused in the areas of environmental, chemical exposure, and pharmaceutical litigation.

She maintains a BS from Kaplan University in paralegal studies with an emphasis in personal injury. She will be receiving her paralegal certification this spring through the National Association of Legal Assistants.

In addition to her work at WLF, Katie volunteers at the Vietnam Veterans of America helping soldiers file disability claims with the Veterans Administration. Her article, Going Green of Work, appears on the opposite side of the newsletter.
Going green seems to be the newest trend in Hollywood. Brad Pitt, Leonardo DiCaprio, and even Harry Potter are going green. When author J.K. Rowling heard that the fifteenth installment of Harry Potter used 250,000 trees to print her book she decided that her books should be printed on 100% recycled paper. While these newest environmentalists are discovering how to do their part, it really is beneficial to all of us to go green.

Growing up your office cost lower operating costs, enhance productivity, improve risk management and reduce energy costs. 30% to 70% and those are facts we all like to hear. Websites such as treehugger.com lists great ways to introduce the green lifestyle at work. To reduce paper, send emails for internal memos and documents. Choose companies that specialize in recycled products like thegreenoffice.com. They only sell recycled, compostable, biodegradable, and reduced-chemical products. Buy paper plates, plastic cutlery and disposable cups from your office kitchen. Styrofoam is not biodegradable and components of it are linked to leukemia and neurological disorders. Instead, provide reusable plates, light bulbs have been replaced with fluorescent and compact fluorescent bulbs, using 75% less energy than standard bulbs and lasting 10 times longer than incandescent light bulbs.

The Walters Law Firm is among the 47% of small businesses that are already taking steps to be more environmentally responsible. All of our paper is shredded and recycled, including cardboard and phone books. Plastics and soda cans are also recycled, leaving little to be thrown away each week. The Walters Law Firm provides dinnerware and glassware to avoid the use of Styrofoam cups and paper plates. Light bulbs have been replaced with fluorescent and compact fluorescent bulbs, using 75% less energy than standard bulbs and lasting 10 times longer than incandescent light bulbs. The Environmental Protection Agency reports that by replacing just one light bulb with a compact fluorescent bulb reduces the amount of carbon dioxide emitted into the air by more than 1,000 pounds over the bulb’s lifetime.

Our firm sees the benefits of going green: healthier air, potential savings and a better environment. One step at a time The Walters Law Firm is making the effort to do their part to be environmentally responsible.

Nearly thirty states have publicly-funded alternative energy programs and energy incentives for those who want to live a little greener. Check out www.direvsa.org to see what incentives are being offered in your state.

The Walters Law Firm is the next “big tobacco”?

By Lon Walters

With the heightened public awareness of climate change due in part to Al Gore’s documentary, ‘An Inconvenient Truth’, combined with increasing scientific evidence, global warming litigation is emerging as the next big thing on the legal horizon. It is being taught as a course in some law schools around the country. Many experts are touting these cases as the next “big tobacco” or asbestos boom. Early indicators suggests that these experts are correct given that much like tobacco and asbestos, Plaintiffs are not having much early success. However, success is not always measured in a tort award or legal decision. Just the threat of climate change litigation has energy companies and large manufacturers working to reduce their legal risk by reducing emissions. Companies nationwide are examining their “carbon footprint.” Some corporations are even inserting climate change provisions into their contracts.

Most of the current global warming cases are in one of the following four categories:

1. Clean Air Act Litigation
2. NEPA (National Environmental Policy Act)
3. Nuisance Litigation
4. Premption Litigation

It is the nuisance cases that have plaintiffs’ lawyers salivating and calculating damages in digits that most calculators cannot express. Power companies, automakers, and the oil and coal industries have been targets. For example, in the nuisance suit California v. General Motors et al, No. C06-06738 (N.D. Cal. Filed Sept. 20, 2006) the six major auto manufacturers were sued for contributing to global warming. California alleged that carbon produced by the defendants release 289 million metric tons of CO2 each year in the U.S. Such emissions harm the state’s water supply due to increased winter temperatures that reduce the snow pack in the Sierra Nevada. They further alleged that global warming has raised the sea level, which has increased erosion along California’s 1,075 mile coastline. Other impacts of global warming claimed in this case included the increase in risk of wildfires due to increases in extreme heat events. The Court ultimately dismissed this case based in part on a “lack of judicially discoverable or manageable standard by which to resolve Plaintiff’s claim.” As one journalist wrote, “Watching for the Coming Flood of Global Warming Litigation.”

For more information visit these websites:
• www.pewclimate.org
• www.climatelaw.org
• www.nrdc.org/globalWarming/depth.asp
• www.epa.gov
• www.epa.gov/climatechange
• www.earthjustice.com

See also:
• Connecticut v. American Electric Power Co., 456 F.3d 23 (2d Cir. 2006)
• S.D.N.Y. 2003
• Justia (includ some public domain)
• Justin Pidot, Georgetown Environmental Law & Policy Institute, “Global Warming in the Courts” (Available online)