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Louisiana Benzene Case Settles Weeks Before Trial

NEW ORLEANS -- Parties scheduled to start trial Dec. 5 have reached a confidential settlement agreement, according to an order of dismissal recently entered in a Louisiana federal court. *Wagoner, et al. v. ExxonMobil Corp., et al.*, No. 09-7257 (E.D. La.).

According to the one-page Nov. 10 order issued by the U.S. District Court for the Eastern District of Louisiana, the court was advised by counsel for the parties that "all of the parties to this action have firmly agreed upon a compromise."

The order thereby dismissed the action without costs and without prejudice.

The underlying lawsuit arose out of the death of James Wagoner Jr., who was allegedly exposed to benzene-containing products while working for more than 30 years as a mechanic. The plaintiffs contended that among the products used by Wagoner were Radiator Specialty's Liquid Wrench and Exxon Mobil Corp.'s Varsol. As a result of the exposure, Wagoner developed multiple myeloma, the plaintiffs argue.

Radiator Specialty was the lone remaining defendant in the action at the time of the settlement, sources said.

Just three days prior to the settlement, the court had granted a motion made by Radiator Specialty to compel the plaintiffs to produce settlement documents. The motion specifically requested "any and all settlement documents entered into between [the plaintiffs] and any and all persons or parties, including but not limited to, Defendants, ExxonMobil Corp., Shell Oil Products Co., and/or Rust-Oleum Corp."

The plaintiffs are represented by L. Eric Williams Jr. of the Williams Law Office in Metairie, La.; and Amber E. Cisney and Richard J. Fernandez of Richard J. Fernandez LLC, in Metairie, La.

Radiator Specialty is represented by Lynn Luker of Lynn Luker & Associates in New Orleans and James M. Riley Jr. of Coats, Roase, Yale, Ryman & Lee in Houston.

Documents are Available Call (800) 496-4319 or Search www.harrismartin.com Order of Dismissal Ref# BEN-1111-11 Motion to Compel Ref# BEN-1111-05

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HarrisMartin Publishing - 30 Washington Avenue, Suite D-3, Haddonfield, NJ 08033

(610) 647-5500 - www.harrismartin.com - service@harrismartin.com