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La. Oil Field Worker Sues Shell, Texaco, Alleging Benzene Exposure

NEW ORLEANS - A Louisiana man has sued Shell Oil Co. and Texaco Inc., alleging that he was exposed to benzene while working in their oil and gas fields and developed non-Hodgkin's lymphoma as a result. *Cologne v. Shell Oil Co., et al.*, No. 12-735 (E.D. La.).

The March 16 complaint, filed in the U.S. District Court for the Eastern District of Louisiana, says the defendant companies failed to take proper precautionary measures to prevent plaintiff's exposure to hazardous substances.

Cologne alleges that while employed by Brown & Root, he performed work for Shell in oil and gas fields and facilities from 1961 to 1963. From 1963 through 1970, he worked for Avondale Inc. as a tack welder, the complaint says, and from 1970 to 1976 he worked for Texaco, repairing crude oil pumps, tanks and pipes.

Cologne alleges that while working at the Shell, Avondale and Texaco facilities, he was exposed to benzene, crude oil, welding fumes and radiation and sustained tissue damage.

Cologne and his daughter, Catherine, brought a maritime action against Shell, Texaco and their insurers, Highlands Insurance Co., Travelers Insurance Co., American Motorist Insurance Co. and OneBeacon Insurance Co., seeking damages for personal injuries.

"Through internal medical studies, unknown to plaintiffs, the defendants knew of the health hazards inherent in the substances they produced, distributed, transported or used. The actions and inactions of the defendants constitute gross negligence, intentional torts and demonstrate a reckless disregard for the rights and safety of others," plaintiffs assert. "Furthermore, the defendants committed numerous tortuous acts that included, without limitation, negligently misrepresenting, concealing, suppressing and omitting material information about the health effects of benzene and appropriate precautionary measures."

Plaintiffs assert that the causal connection between non-Hodgkin's lymphoma and benzene has been scientifically documented since the early 1900s. In 1948, the American Petroleum Institute reported that "the only absolute safe concentration for benzene is zero," the suit says. Defendants knew about the causal relationship between benzene and cancer-related illnesses, yet concealed this information from the public and workers, plaintiffs charge.

The suit says defendants were negligent in failing to require workers to wear the proper respiratory equipment and protective clothing; failing to warn them of the health hazards of exposure to benzene; failing to implement a proper safety program; and failing to monitor and/or evaluate the fume levels in the work environment to

ensure that Cologne was not exposed to dangerous levels of benzene.

The complaint sets forth counts of negligence, liability under former Article 2317 of the Louisiana Civil Code; and concealment, misrepresentation and fraud. Plaintiffs seek damages for pain, suffering, functional disability and impairment, diminution of earning capacity, loss of insurability, disability and disfigurement.

Plaintiffs are represented by L. Eric Williams Jr. of Williams Law Office in Metairie, La., and Richard J. Fernandez and Amber E. Cisney of Law Offices of Richard J. Fernandez in Metairie.

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HarrisMartin Publishing - 30 Washington Avenue, Suite D-3, Haddonfield, NJ 08033
(610) 647-5500 - www.harrismartin.com - service@harrismartin.com