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Parties Remaining in Louisiana Liquid Wrench Benzene Case Reach Compromise

NEW ORLEANS — Parties that recently engaged in a dispute regarding the availability of expert witnesses in a benzene case have reached a settlement agreement, according to a one-page order.

In a May 6 order of dismissal filed by the U.S. District Court for the Eastern District of Louisiana, the court retained jurisdiction over the claims in order to enforce the compromise.

Audrey Millet filed the instant lawsuit as the legal representative of Robert C. Millet, who died in 2011, one month after he was diagnosed with acute myeloid leukemia. According to his widow, Robert Millet worked at Kaiser Aluminum and Chemical Corp. as a general repair mechanic.

During the course of his employment, Millet was allegedly exposed to benzene while de-dusting coke calcining units and while using Liquid Wrench.

Just four days prior to the order, U.S. Steel Corp. filed a motion to compel, arguing that the plaintiffs had failed to provide deposition dates for their expert witnesses.

U.S. Steel contended that the plaintiffs delivered reports from experts Drs. Sheila Butler, Mark Nicas, Melvyn Kopstein and Peter Infante on April 26.

“After receiving the reports, counsel for U.S. Steel immediately requested deposition dates for the experts,” the motion to compel stated. “Plaintiffs’ counsel failed to provide any dates Plaintiffs’ counsel has been similarly nonresponsive in *O’Quain v. Shell Offshore, Inc.*, – another benzene case pending in this court. In that case, counsel for U.S. Steel requested deposition dates for Plaintiffs’ experts on April 3, 2013—immediately after receiving Plaintiffs’ expert reports. Almost a month later, Plaintiffs’ counsel has provided a date for the deposition of just one of their four experts.”

Arguing that the dates were necessary in order to move forward with discovery and meet scheduling deadlines instituted by the court, U.S. Steel asked that the court enter an order compelling the plaintiffs to set deposition dates for the experts.

Counsel for U.S. Steel are Tim Gray and Lea Ann Smith of Forman Perry Watkins Krutz & Tardy in New Orleans.

Counsel for the plaintiffs are L. Eric Williams of Williams Law Office in Metairie, La.; and Richard J. Fernandez and Amber E. Cisney of Richard J. Fernandez LLC in Metairie, La.

Millet, et al. v. Employers Insurance Company of Wausau, et al. , No. 12-260 (E.D. La.).

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