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Benzene Parties in Louisiana Reach Settlement Agreement on Eve of Trial

NEW ORLEANS — Parties in a benzene case pending in Louisiana have reached a settlement agreement just days before trial was scheduled to begin in the oil and gas-related benzene case.

The U.S. District Court for the Eastern District of Louisiana noted the settlement agreement in a Feb. 4 minute entry, less than a week before the scheduled Feb. 10 trial. An order of dismissal, pending finalization of the settlement agreement was entered one day later.

In the underlying complaint, the plaintiffs contend that Chris Cologne developed non-Hodgkin's lymphoma after being exposed to benzene-containing products during his employment at Texaco and Brown & Root. According to the plaintiffs, Cologne repaired leaking equipment and flowlines for crude oil, produced water and liquid gas condensate collection systems.

"As a result of these activities, Mr. Cologne was exposed to benzene-containing hydrocarbons from crude oil and a natural gas condensate on a daily basis," a recent pretrial brief alleges.

A proposed joint pretrial order entered prior to the settlement also listed a number of outstanding motions, including the plaintiffs' motion to exclude the testimony of Garabrant, Natelson, Pyatt and John Spencer.

Texaco Downstream Properties also had a number of outstanding motions, including ones to exclude the testimony of Drs. Mark Nicas, Melvyn Kopstein, Jack Saux and Peter Infante. For more on these motions, see the related story in this issue.

The defendant had also moved for summary judgment on the issue of medical causation, on the plaintiffs' claim of insurance coverage, and on the plaintiffs' negligence claim. Texaco also seeks to strike an affidavit of Chris Cologne, according to the pretrial document.

The parties additionally had noted that the plaintiffs intend to file in limine motions as to certain exhibits, while Texaco also intended to file an omnibus motion in limine.

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

Texaco is represented by Patrick A. Talley Jr., Barbara L. Arras, Curt L. Rome and Jeremy T. Grabill of Phelps Dunbar in New Orleans.

Cologne v. Shell Oil Co., et al., No. 12-735 (E.D. La.).

Document is Available Call (800) 496-4319 or Search www.harrismartin.com Minute Entry Ref# BEN-1402-03
Dismissal Order Ref# BEN-1402-04

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