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Louisiana Benzene Plaintiffs Reach Agreement with Dow Chemical, Exxon Mobil, Others

NEW ORLEANS — Louisiana benzene plaintiffs have reached a compromise with several remaining defendants — including Dow Chemical Co. (NYSE:DOW), Marathon Oil (NYSE:MRO), Murphy Oil (NYSE:MUR) and Exxon Mobil Corp. (NYSE:XOM) — according to a recent order.

In the March 6 order, the U.S. District Court for the Eastern District of Louisiana dismissed the claims as to the defendants without prejudice and noted that if the compromise is not consummated within 60 days, the parties may seek summary judgment to enforce the agreement.

The court's order noted that the claims against all other defendants remain.

Thomas and Johnnie Dykes contend in their complaint that Thomas Dykes worked as a crane operator and equipment operator on new construction sites. Dykes identifies a number of the products that he believes caused him to develop myelodysplastic syndrome, pointing to a number of items specific to each defendant, including crude oil condensate, diesel, kerosene and 100 Solvent Neutral.

The plaintiffs recently filed a second amended complaint, in which they acquiesced to the District Court's request to provide dates of employment as well as to specifically identify products.

In January, Murphy Oil asked the District Court to continue the July 2014 trial date, saying that the case was not ready for trial. The plaintiffs disagreed, arguing that Murphy Oil had "not bothered to conduct any formal discovery in the three months since it was served with the Complaint." For more on the motion and response, see the February issue of *Litigation Watch: Benzene*.

Murphy Oil is represented by James M. Garner, Christopher T. Chocheles and Paul R. Trapani III of Sher Garner Cahill Richter Klein & Hilbert in New Orleans.

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

Dykes, et al. v. Shell Oil Co., et al., No. 13-4934 (E.D. La.).

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