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Louisiana Benzene Plaintiffs: Shell Can't Dispute it Knew Benzene Could Cause Leukemia

NEW ORLEANS — Plaintiffs in a Louisiana benzene suit have filed a reply brief supporting its motion for partial summary judgment, contending that the defendant could not “seriously dispute that it knew benzene could cause leukemia prior to 1967.”

In the June 16 reply brief filed in the U.S. District Court for the Eastern District of Louisiana the plaintiffs reassert their position that they are entitled to summary judgment on the issues of whether Shell Oil Co. and Shell Chemical Co. knew that benzene could cause leukemia in human and failed to warn users that their products contained benzene.

“Shell unequivocally knew that benzene could cause leukemia since at least 1943 but failed to warn users of its benzene-containing products until the late 1970s,” the brief said. “Therefore, Shell cannot honestly deny that it knew benzene could cause leukemia prior to 1967 and that it failed to warn users of benzene-containing products including gasoline prior to the late 1970s.”

Henry and Elizabeth Vicknair argued in their complaint that Henry’s work as a contract tank cleaner for Louisiana Tank Cleaning Service at Shell Oil and Shell Chemical required him to clean tanks with benzene, gasoline and diesel.

“He was regularly exposed to benzene during this period,” the complaint asserted. “...From 1969 to 1978, he would regularly come into contact with benzene or through gasoline while loading gasoline tank trucks at the Shell Oil Norco facility and unloading at various locations.”

The plaintiffs said that as a result of the exposure, Vicknair developed chronic lymphocytic leukemia.

In its reply brief, the plaintiffs maintained that Shell does not dispute that it received a 1943 report regarding the effects of benzene.

“This report informed Shell that chronic benzene poisoning can cause variable blood changes...,” the reply brief said. “...Shell was also informed that protective equipment should be used when handling products that contain benzene. Furthermore, Shell does not deny that on Sept. 13, 1943, a memorandum from W.J. Hund of Shell reported that chronic benzene poisoning can cause Leukemia. On April 28, 1950, C.H. Hines, Shell’s consulting toxicologist, informed Shell that benzol (benzene) had an established carcinogenic quality affecting the blood forming organs. Shell Oil cannot seriously dispute that it knew benzene could cause leukemia prior to 1967.”

The plaintiffs are represented by Eric Williams of the Williams Law Office in Metairie, La.

Vicknair, et al. v. Shell Oil Co., et al., No. 15-00053 (E.D. La.).

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