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■ JACKSON COUNTY

Courthouse asbestos case settles for \$80M

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A class-action lawsuit over asbestos exposure at the Jackson County Courthouse following a renovation in the 1980s has settled for \$80 million.

Opening statements were to begin Wednesday at the University of Missouri-Kansas City School of Law in what was expected to be a month-long trial.

Instead, attorneys told Judge Steven Ohmer they had reached an agreement to settle. Ohmer reviewed a tentative agreement between the parties and they set a preliminary approval hearing for Dec. 27.

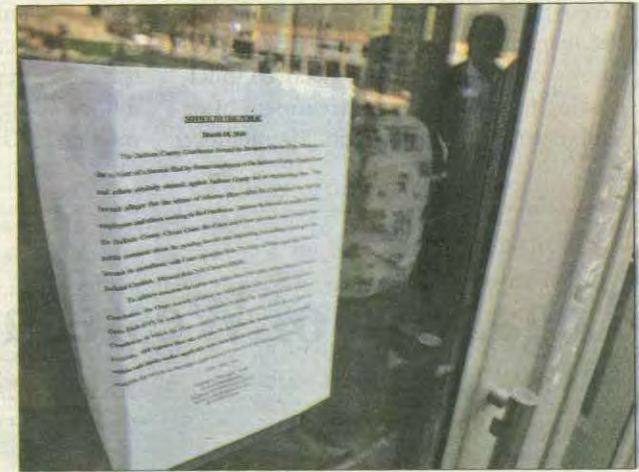
The named plaintiffs in the case, David M. Elsea and Jeanne Morgan, filed suit against U.S. Engineering Co. and Jackson County in 2010 alleging health problems caused by asbestos in the courthouse.

The plaintiffs alleged the exposure stemmed from asbestos that was disturbed in the building when it was renovated by U.S. Engineering in 1983.

As many as 7,500 people including jurors, judges, courthouse employees and lawyers were exposed between 1983 and 2007. Anyone who spent more than 80 hours at the courthouse in that timeframe is eligible to be a part of the class action.

The \$80 million will fund medical monitoring for the class, said Edward D. "Chip" Robertson Jr. of Bartimus Frickleton Robertson in Jefferson City who represented Elsea and the class.

Robertson said at minimum, those exposed will need a pulmonary test, and some will need testing for mesothelioma.



A notice of asbestos exposure hangs on a door to the Jackson County Courthouse in March 2010. File photo by Scott Lauck

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As much as \$25 million may go to attorney fees

[ASBESTOS FROM PAGE 1]

He said the case was, to his knowledge, the first medical monitoring case in the state.

Up to \$25 million of the \$80 million may go to attorney fees.

The jury was brought in briefly for both sides to express their thanks for their service. The parties revealed the terms of the agreement when asked by a juror about the outcome.

"We reached a compromise," said Matthew Grant of Husch Blackwell in St. Louis who represented U.S. Engineering. He noted that the parties disagreed on many of the details, but were able to come to an agreement.

Lou Accurso of The Accurso Law Firm in Kansas City also represented the plaintiffs. He said there were a number of challenges to get to this point.

"It involved countless experts, 300,000 pages of documents, an untold number of depositions and two trips to

the federal courthouse and back," he said.

He said a 2015 ruling in the Western District Court of Appeals, which found a judge's decision to throw out the case during a request for class certification was in error, was particularly favorable to the plaintiffs. The jury selected for trial also played a role in reaching the settlement.

He said the main thing people need to consider about the case is people affected by their exposure, like Nancy Lopez, a former Division 7 judicial assistant.

"The only thing she was guilty of was going to work every day," he said.

Lopez died in 2010 at age 56.

In 2011, Accurso obtained a \$10 million settlement on her behalf in her suit against U.S. Engineering. She alleged that she suffered from mesothelioma as a result of asbestos exposure.

The settlement in the Lopez case remains one of the largest asbestos settlements in Missouri history.

Jackson County officials issued a statement saying the county is pleased that the case has been resolved and that it "appreciates U.S. Engineering stepping up to resolve this matter."

The statement said the county became aware of the claims when the suit was filed in 2010, prompting the presiding judge and county officials to immediately arrange for air quality testing to determine the safety of employees and others conducting business at the courthouse.

It added that testing, and follow-up testing, found the air quality in the courthouse is safe and meets regulatory guidelines.

"Jackson County has taken responsible steps to ensure that the citizens of Jackson County, county employees and anyone who visits or works in the courthouse are appropriately protected, and it will continue to do so," the statement said.

The case is *Elsea et al. v. U.S. Engineering Company et al.*, 1016-cv15976. 