

THIS WEEK News

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Amoco settles suits in worst cancer cases

In closely watched litigation, plaintiffs are in two camps.

BY DARRYL VAN DUCH
AMERICAN LAWYER MEDIA NEWS SERVICE

CHICAGO—BP Amoco has tentatively settled five suits brought by the families of ex-employees at its Naperville, Ill., facility who died of brain cancer.

The family of a sixth has yet to settle, although negotiations are ongoing, a company spokeswoman said. She described the settlements as "fair" and admitted no company wrongdoing.

The settlements come after

the most recent study funded by Amoco conceded that the cancers were likely caused by "some exposure" to toxic substances in the workplace.

The case is being watched nationally because of the uncommon lengths and expense Amoco appears to have gone to find out why so many of its Naperville employees had become seriously ill since the suburban facility opened in 1970.

It is unclear how the accord might affect pending suits brought by as many as 16 other current or former Naperville employees, some of whom suffered nonmalignant brain tumors.

The company notes that

those contracting the malignant cancers all worked for years on the same floor of a single building, called 503, in which some potentially toxic chemical tests were conducted over time—but the other cancer victims did not.

Chicago's Corboy & Demetrio P.C. said in a statement, "These five cases represent only some of the people suffering brain tumors and other forms of cancer. Amoco shouldn't be allowed to pick and choose among the plaintiffs—they should do what is right for all the victims."

One of its clients said that he was "outraged" by the latest development and that it appears there is "absolutely no change" in the way Amoco intends to

deal with those still living. Cancer patient Irwin Samuel Ginsburg, 61, a retired human resource supervisor, was the first to sue. *Ginsburg v. Amoco Oil Co.*, No. 98 L 12383.

Plaintiffs' lawyers are in two camps, advocating different litigation strategies.

Joan Burger, of Chicago's Meites Mulder Burger & Mollica, represents several clients with malignant brain cancers. She has urged a low-key, wait-and-see approach to discovery.

G. Grant Dixon, a Corboy & Demetrio partner, is the leading lawyer for those with the benign or noncranial forms of cancer. He has urged a more aggressive approach. **ML**