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HEADLINE: Brain Cancer Cases Lead to Suits Against BP Amoco

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BODY:

It appears that BP Amoco's widely acclaimed but risky efforts to find out why employees have been stricken with deadly brain cancer since 1986 is coming back to haunt the company.

BP Amoco began its investigation before any employees brought suit against the company. But now, some workers who have contracted benign brain tumors or extra-cranial cancers have become so angry with how the company has handled the matter-including Amoco's failure to share all the evidence it has uncovered with sick employees-that they have taken matters into their own hands.

Since last summer, one current and 19 former employees who contracted cancer or tumors after working at the Amoco Research Center here, or the former employees' survivors, have sued BP Amoco in circuit court in Chicago.

BP Amoco, the London-based oil giant that was created after British Petroleum acquired Chicago-based Amoco, is expected to be the target of more suits in the near future.

The first such individual to sue, in August, was Irwin Samuel Ginsburg, a retired Amoco human resources supervisor, who found out in the early '80s that he had a life-threatening thyroid cancer.

An operation saved his life, but Ginsburg, now 61, says that he had no choice but to sue because, despite Amoco's publicized promises to "do the right thing," he couldn't get access to most of the scientific data that Amoco had amassed and that might shed light on how to extend his life.

"I used to be one of Amoco's greatest cheerleaders," says Ginsburg, who worked 27 years for the company before retiring in 1996. "I finally turned to a lawyer for help because I lost confidence in the way it was handling this mess."

G. Grant Dixon III, Ginsburg's lawyer and a partner at Chicago's Corboy & Demetrio, states what he believes are Amoco's true motives: Amoco has been pursuing "a calculated strategy of legal hardball combined with public relations soft soap," which, he argues, "is designed more to

limit Amoco's legal liability than to provide answers."

Vicki J. Kastory, a company spokeswoman, insists, "This has always been about helping our friends and co-workers," and points to the "millions" that the company has spent investigating the health problems.

The History

It wasn't until 1989, according to court documents filed by Amoco, that the company learned that three of its workers at its 178-acre campus in Naperville, 40 miles west of Chicago, were diagnosed with gliomas-malignant tumors affecting the cells that support and insulate the nerves of the brain.

All had worked on the third floor of Building 503, which is connected to several other buildings.

Amoco, which not only produces oil but also develops new chemical compounds for use in manufacturing, historically has done far-ranging chemical experiments at its Naperville facility.

Many of the experiments, plaintiffs' lawyers claim, have involved toxic substances. During the '70s, the plaintiffs contend, employees on the third floor of Building 503 worked with heavy metal catalysts and polymers, which in some circumstances can be highly toxic.

But numerous medical experts brought in by Amoco, including those from the Mayo Clinic, found no causal link between the sick employees and the workplace.

In '96, a fourth former Amoco employee was diagnosed with glioma-and he, too, had worked in Building 503. According to court papers, another team of experts funded by Amoco, from the University of Alabama and Johns Hopkins University, was called in to determine the cause of the illnesses.

Since then, three other employees have been diagnosed as having similar brain cancers, for a total of seven out of the 7,000 who have worked at the Naperville campus since its 1970 opening.

Five of those seven are now dead. At least a dozen more individuals have been identified by these researchers as having been diagnosed with benign brain tumors. Still more employees, including Ginsburg, have been reported as having other forms of cancer.

Unlike Ginsburg, who worked in Building 503 for a couple of years, however, many of those suffering from tumors or extra-cranial cancers have had no known connection with that building.

Says Kastory: "We have done everything possible to share this information."

Defense lawyers interviewed agree that Amoco has taken an uncommonly high road in this high-stakes matter, in which Amoco's potential liability, according to plaintiffs' lawyers, could be

in the hundreds of millions of dollars.

Jennifer T. Nijman, a partner at Chicago's Winston & Strawn who is not involved in the litigation, says that "most companies would have done nothing, made the plaintiffs file their lawsuits and spend huge amounts of money gathering evidence and, then, went out and spent its millions on its own defense, anyway."

Even plaintiffs' attorneys at law firms handling the case concede that Amoco, in April 1998, took an extraordinary step in voluntarily releasing the findings of a preliminary brain cancer "incidence" study.

That document candidly established that the proportion of people who, after having worked at Amoco's Naperville research campus, contracted deadly brain cancer was eight times the national norm.

But Dixon, who has been at odds with his fellow plaintiffs' lawyers over strategy, claims that the ballyhooed report is being used by what he calls Amoco's "public relations machine" to plant the idea that the company's potential legal liability be limited to the several isolated malignant brain cancer cases.

Contrary to "Amoco's propaganda," Dixon says, Amoco's researchers have focused mostly on victims of the rare brain cancer who will have the easiest cases to prove in court and have paid little attention to those with forms of cancer the causes of which are harder to identify.

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