



COUGHLIN DUFFY LLP

CASE ALERT, NO. 4

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DEFENSE VERDICT IN WELDING ROD TRIAL



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On June 27, 2006, a jury rendered a defense verdict in the first of approximately 3,800 consolidated cases pending in federal court against welding rod manufacturers. The Cleveland jury found that the defendants were not liable for the plaintiff's neurological problems alleged to have resulted from exposure to manganese-containing welding fumes.

The action was filed by plaintiff, Ernesto G. Solis, a fifty-seven year old former worker at a naval base in Corpus Christi, Texas. Solis claimed that manganese poisoning, which has symptoms similar to Parkinson's disease, has caused him to suffer from various neurological problems, including a tremor in his right hand. Defendants in the Solis case were Cleveland-based Lincoln Electric Holdings Inc.; Troy, Ohio-based Hobart Bros. Co.; TDY Industries Inc., part of Pittsburgh-based Allegheny Technologies Inc.; and ESAB Group Inc., a Florence, S.C.-based subsidiary of London's Charter PLC. The jury returned its verdict after a two-week trial before U.S. District Court Judge Kathleen O'Malley.

Beginning in the 1970s, welding rod manufacturers began to face lawsuits filed by welders and other workers alleging exposure to manganese from welding rods. These plaintiffs claim that long-term exposure to manganese through welding fumes can lead to "manganism," or "manganese-induced Parkinsonism," symptoms of which can begin with weakness, apathy, headaches, muscle cramps and joint pains. This is allegedly followed by uncoordinated speech and gait and, finally, by tremors and other physical symptoms commonly associated with Parkinson's disease. Although scientists have warned about the possible adverse health effects of exposure to welding fumes since at least the early 1930s, authorities continue to debate a link between manganese fume exposure and any resultant ill effects on workers' health.

According to figures from the U.S. Bureau of Labor Statistics, approximately 360,000 Americans work as welders. However, because of the use of welding in other trades, as many as 500,000 American workers may be exposed to welding fumes. At least one neurologist has testified that out of 20,000 welders examined, about 2,500, or 12%, exhibited Parkinson's-like symptoms. If this percentage were to hold true for American welders in general, as many as 40,000 welders may be able to allege manganese-induced Parkinsonism.

The jury in the Solis action rejected the claim that the manufacturer defendants distributed welding rods containing inadequate safety warnings about the possible link between welding fumes and brain damage. Solis sought compensatory damages in the range of \$132,000 to \$1.8 million, together with punitive damages.

Although lawyers for the welding rod manufacturers are naturally pleased with the verdict, a spokesman for the plaintiffs in the consolidated actions characterized the Solis case as a test case hand-picked by the welding industry. He added that far-stronger plaintiffs' cases have yet to be tried. Previously, in 2003, a plaintiff in an Illinois welding rod case won a \$1 million award against defendants that included Lincoln Electric.

The approximately 3,800 welding rod cases filed nationally were consolidated before Judge O'Malley in 2003. It is estimated that 10,000 welding rod claims are pending in federal and state courts.

Should you have any questions about this matter, or welding rod claims in general, please do not hesitate to contact us.

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