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### **18 Southern California Welders File Mass Tort Lawsuits Against Airco Inc., Caterpillar, Inc., General Electric Company Among More Than 55 Defendants for Injuries Caused by Exposure to Welding Fumes**

LOS ANGELES--(BUSINESS WIRE)--July 27, 2005--Eighteen welding rod workers filed a mass tort lawsuit today in Los Angeles Superior Court against Airco Inc., Caterpillar, Inc., General Electric Company and more than 55 other named defendants claiming that they suffered serious neurological injuries as a consequence of exposure to welding fumes containing manganese, a substance medically recognized as toxic to the human central nervous system. Plaintiffs' complaints for damages allege 15 claims, including negligence, strict products liability, and fraud/deceit by suppression/concealment, involving welding products that were manufactured, sold, distributed, and/or promoted by Defendants. All of the Defendants were, at relevant times, manufacturers and sellers of welding products, large industrial consumers of welding rod products, and members of leading trade organizations, including the American Welding Society and the National Electrical Manufacturers Association.

The Plaintiffs are jointly represented by the Santa Monica, CA law firm of Greene Broillet & Wheeler (Bruce C. Fishelman, Timothy J. Wheeler, Geoffrey S. Wells), the Los Angeles, CA law firm of Panish, Shea & Boyle, LLP (Brian J. Panish, Kevin R. Boyle), the Los Angeles office of Kirk B. Bernard, and the San Francisco, CA law firm of Lieff, Cabraser, Heimann & Bernstein, LLP (Robert J. Nelson, Eric B. Fastiff). John John vs. A.O. Smith Corporation, et. al., Case No. BC337178.

The use of welding products and equipment in the welding process causes emission of fumes, most of which contain manganese. As noted in the complaint, since 1837, it has been medically recognized that manganese is toxic to the human central nervous system and that excessive levels in the human body can cause a progressive condition called manganism, a form of parkinsonism. Since then, evidence has accumulated that exposure to manganese fumes can also cause Parkinson's Disease, as well as other neuropsychological disorders.

From the 1930s forward, the Defendant manufacturers and their trade associations amassed critical data acknowledging that manganese in welding fumes is toxic and can cause neurological injuries. Yet, instead of making this information public, the companies allegedly withheld, misrepresented, suppressed and concealed this information from consumers. It was not until the late 1990s that the welding industry began to publish specific warnings about the dangers of exposure to manganese or to acknowledge that welding fume exposure can cause neurological injuries.

The Plaintiffs allege that they were exposed to welding fumes while using welding products and equipment or by being in close proximity to other persons using welding products. Their exposure occurred in an environment which did not have precautionary measures in place to protect them against the health hazards of welding fumes. Plaintiffs claim that the Defendants suppressed the health and safety information concerning the hazards of manganese in welding fumes, established industry-wide specifications for precautionary product labels that failed to adequately warn workers of the dangers associated with manganese in welding fumes, opposed restrictions on the guidelines for manganese exposure levels established by various authorities, and provided misleading information concerning the health hazards of manganese welding rods, specifically with respect to inhalation of manganese in welding fumes.

"My health has been destroyed," said John John, age 62, from Los Angeles, CA and one of the plaintiffs who filed suit today and who became a welder around 1964, "all because the powers that be in the

welding industry didn't tell welders like me about the potential dangers of welding rod fumes or take any steps to protect us from toxic welding fumes. What was done to me and my fellow welders is nothing short of criminal. We can't put all these companies and trade associations in jail, so all of the cases being filed today are the only recourse that we have to see that justice is served."

"The welding industry has known for years of the dangers associated with welding fume exposure, and many people's lives have been ruined as a result of their failure to act responsibly," explained Robert J. Nelson. "Only by filing these types of lawsuits gives welding fume victims their day in court so that we can we begin to right such egregious wrongs."

"It is important to recognize that our legal system plays a powerful role in helping to curb corporate abuse," stated Bruce C. Fishelman, "and that mass tort and class action lawsuits are essential to giving large numbers of injured people a voice that they might never have otherwise. To conspire in any way whatsoever to keep information hidden that can protect and save lives in the workplace environment is simply unthinkable. We will do all that it takes to see to it that our clients have their day in court."

"Thousands of people's lives have been impacted by the coverups promulgated by the welding industry," stated Brian J. Panish. "To turn the tide, a number of top plaintiffs' law firms have consolidated their efforts to stand up to more than fifty corporate defendants. We're all up to the task and will not rest until our clients are fully compensated."

#### Editor's Note #1

The cases filed today in Los Angeles Superior Court will next be coordinated with other similar cases which have been filed throughout California in the next few weeks. The coordinated cases are being overseen by the Hon. Ronald M. Sabraw, California Superior Court, County of Alameda and are titled the "Welding Products Cases", Judicial Council Coordination Proceeding No. 4368 ("JCCP 4368").

#### Editor's Note #2

Plaintiffs are jointly represented by four law firms:

Greene Broillet & Wheeler, LLP of Santa Monica, CA (Bruce C. Fishelman, Timothy J. Wheeler, Geoffrey S. Wells); Telephone: 310-576-1200 ([www.greene-broillet.com](http://www.greene-broillet.com)).

Panish, Shea & Boyle, LLP of Los Angeles, CA (Brian J. Panish, Kevin R. Boyle); Telephone: 310-477-1700 ([www.psandb.com](http://www.psandb.com)).

The Law Offices of Kirk B. Bernard of Los Angeles, CA (Kirk B. Bernard); Telephone: 310-578-7700 ([www.4injured-losangeles.com](http://www.4injured-losangeles.com)).

Lieff, Cabraser, Heimann & Bernstein, LLP of San Francisco, CA (Robert J. Nelson, Eric B. Fastiff); Telephone: 415-956-1000 ([www.lieffcabraser.com](http://www.lieffcabraser.com)).

Defendants' liaison counsel in the "Welding Products Cases" include:

Reed Smith LLP of Oakland, CA (Steve Blicht); Telephone: 510-466-6703 ([www.reedsmith.com](http://www.reedsmith.com)).

Filice Brown, LLP of Oakland, CA (Richard V. Normington); Telephone: 510-444-3131 ([filicebrown.com](http://filicebrown.com)).

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