

Publication: Illinois Jury Verdict Reporter Published: 8/15/2003

(03 Jy/1) POLLUTION--HOMEOWNERS COLLECT OVER CHEMICAL SPILLS IN LISLE (16P)

Jeanette Devane, Lee J. Herrera, Barbara L. Frantik, Thomas G. Frantik, Jane Kuta, Richard Kuta, Karen Mulacek, Michael Papadopolous, Andrew Wroble v Lockformer Company, division of Met-Coil Systems Corporation, Honeywell International 01L-377 Tried Jun. 23-Jul. 11, 2003

Verdict: \$2,368,500: \$368,500 to Jeanette v both defts (Jury apportioned compensatory damages as: Devane/Herrera \$36,000; Frantiks \$125,000; Kutas \$145,000; Mulacek \$5,000; Papadopolous \$15,000; Wroble \$42,500); \$0 comp., \$2,000,000 punitive to Jeanette v Lockformer Company

Judge: Hollis L. Webster (IL, Du Page 18th Jud Cir)

Pltf Atty(s): Edmund J. Scanlan, Mario C. Palermo of Edmund J. Scanlan Ltd. (Chicago, IL) for Jeanette, Lee DEMAND: \$2,000,000 total ASKED: \$25,000,000 total Edmund J. Scanlan of Edmund J. Scanlan Ltd. (Chicago, IL) Mario C. Palermo of Edmund J. Scanlan Ltd. (Chicago, IL) for Barbara L. Frantik Edmund J. Scanlan, Mario C. Palermo of Edmund J. Scanlan Ltd. (Chicago, IL) for Thomas, Jane, Richard, Karen, Michael, Andrew

Deft Atty(s): J. Patrick Herald, Vincent S. Oleszkiewicz, Douglas B. Sanders of Baker & McKenzie (Chicago, IL) for Lockformer Company, Met-Coil Systems Corporation (National Union Fire Ins.; New Hampshire Insurance; Travelers; Hartford; Aetna; Twin Cities) OFFER: \$500,000 total H. Roderic Heard, Anthony G. Hopp, Joseph F. Madonia of Wildman, Harrold, Allen & Dixon (Chicago, IL) for Honeywell International

Pltf Expert(s): Kimberly A. Gray, Ph.D. of Northwestern University, Dept. Civil/Environmental Eng., 2145 Sheridan Rd., Evanston, IL (847-467-4252) (Environmental Engineer); Charles Argianas of Argianas & Associates, 5509 Belmont Rd., Downers Grove, IL (630-390-0113) (Real Estate Appraiser) for all pltf's

Deft Expert(s): John A. Connor of Groundwater Services Inc., 2211 Norfolk St., Houston, TX (713-522-6300) (Environmental Engineer); Richard Roddewig (Real Estate Appraiser) for all defts

Facts:

From 1969-92, Honeywell and its predecessors delivered a highly toxic solvent, trichloroethylene (TCE), to deft Lockformer Company in Lisle. As TCE was pumped into a rooftop tank, it overflowed onto the ground. The Honeywell truck also leaked TCE onto the ground. Material Safety Data sheets Honeywell provided to its customers since 1983 confirmed that both Honeywell and Lockformer knew of the highly toxic nature of TCE and its potential to contaminate potable water supplies. In 1993, Lockformer sued Honeywell for spilling TCE onto its property. In 1994, Honeywell agreed to pay Lockformer \$800,000 for investigation and cleanup of the Lockformer facility. Terms of the settlement required Lockformer to refrain from discussing Honeywell's TCE releases or assisting anyone who might have a claim against Honeywell as a result of the releases. Cleanup did not begin until June 2003. Lockformer was expelled from the Illinois E.P.A.'s voluntary site remediation plan in 2002 for failure to promptly investigate the extent of the contamination. In 1997, the County of DuPage cited Lockformer for having open containers of TCE beneath its rooftop tank, despite Lockformer's position that there had been no spills since 1992. In 1997, the County of DuPage tested industrial discharge from Lockformer and found it contained impermissible amounts of TCE that were being discharged into sanitary sewer lines. Lockformer, despite knowledge of TCE releases on its property in 1985, waited until 1999 before disclosing releases to the community, including pltf's, even though it knew TCE had migrated off its property. Pltf's claimed that at a Village of Lisle board meeting in August 2000, Lockformer misled pltf's as to when it first discovered TCE spills and told pltf's that TCE

had not migrated off its property even though its own consultants and internal memos indicated otherwise. Pltfs claimed the market value of their properties was diminished by contamination found on Lockformer property as well as on at least one of the pltfs' properties. High levels of TCE were found within feet of the Papadopoulos and Kuta properties and actually on Frantiks' property. Defense denied contamination or impact on property values.

© 2018 by Law Bulletin Media. Content on this site is protected by the copyright laws of the United States. The copyright laws prohibit any copying, redistributing, or retransmitting of any copyright-protected material. The content is NOT WARRANTED as to quality, accuracy or completeness, but is believed to be accurate at the time of compilation. Websites for other organizations are referenced at this site; however, the Law Bulletin does not endorse or imply endorsement as to the content of these websites. By using this site you agree to the [Terms, Conditions and Disclaimer](#). Law Bulletin Publishing Company values its customers and has a [Privacy Policy](#) for users of this website.