

# DuPont settlement a sign of true corporate power

Now that the results of DuPont's settlement of a class action lawsuit are becoming more clear, the results look like a blip on the radar for the company.

Every time an area resident chose to take a cash payout without also signing up for medical monitoring tests, DuPont accountants had to smile.

A real cost to the company isn't in a \$400 payout. It comes, instead, in preventative check-ups for residents for years to come.

DuPont's lawyers wanted the payout, and it's clear now why they did. Even though it wasn't an either/or proposition, many residents opted for the money and chose to skip the testing.

Perhaps the payouts, in a roundabout way, helped stem

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*Asst. Man.  
Editor*



momentum for folks signing up for monitoring.

DuPont also won big with its war of attrition in the courts. The big blow to the company would have been paying the tens of millions of dollars in punitive damages that were part of the jury's verdict.

DuPont got the Supreme Court to pare down the amount by about \$100 million. Then, DuPont's lawyers found an issue that put the entire verdict in doubt and that would require a new trial focused solely on that topic.

They leveraged that into a "win" by getting the class action lawyers to agree to a settlement. There really wasn't much choice; even if DuPont had lost in the new trial, it would have set off a whole new set of appeals that would have put any settlement proceeds years into the future.

Class action lawyers fared pretty well, collecting millions of dollars for their work. And to be fair, they did send a message to DuPont with their hard efforts.

The moral of this story is pretty clear, though.

A company that has enough money has a huge advantage when it comes to legal battles.

And caps put on civil damages make it that much tougher for plaintiffs and their lawyers to achieve change through the judicial system.

It's sad but appears too often true that big companies control the legislative and executive branches of government through campaign contributions and lobbyists.

And they also appear to impact America's third branch, the judiciary, through campaign contributions and via the best lawyers money can buy.

This always has been somewhat the case in America.

But have there been many other times in our history where corporate powers held more sway over the leaders of our country? And, will we see change for the better in our lifetimes? There's always hope.

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## COURT ROUNDUP

Ohio registry.

Also Thursday, Keeley sentenced Zackary Scott Watkins, 31, of Jackson, Mich., to 1 1/4 years in prison for failing to update his sex-offender registration.

Wrongdoing occurred from July through Sept. 16 in Clarksburg, according to a court filing.

Keeley ordered the federal term to run consecutively to time Watkins is already serving in Michigan. The defendant also will have to spend 10 years on federal supervised release once he's freed, Keeley ruled.

Also:

■ Harrison Circuit Judge

Thomas A. Bedell has signed an order authorizing soil testing on 24 more properties in the DuPont Spelter smelter class-action lawsuit.

The settlement claims office is trying to complete a property cleanup plan. Up to this point, payment for soil testing had been authorized only in the zone closest to the plant.

But six of the 24 homes are actually next to the fenced-in zinc smelter site, according to court filings. They're located on Upper B Street in Spelter.

Claims Administrator Ed Gentle sought the testing on those properties to see if cleanup is suggested there.

In addition to property cleanup, lawyers for the clas-

action and DuPont also have agreed to a medical monitoring program.

The claims office is working on implementing that, as well.