

NEWS RELEASE

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New Ruling in Welding Fume Litigation Reinforces Welders' Claims, Says Plaintiffs' Executive Committee

Judge confirms in written order that welding fumes can cause Parkinsonism, and that a jury could find industry warnings to be "grossly inadequate and possibly even misleading"

Cleveland, OH – The Plaintiffs' Executive Committee in the national welding fume multidistrict litigation (MDL), a consolidation of thousands of products liability lawsuits, today announced a major victory in the legal battle being waged against The Lincoln Electric Company, General Electric, Westinghouse, Caterpillar, Inc., and a number of other manufacturers of welding rods and equipment (*In re Welding Fume Products Liability Litigation*, MDL Docket No. 1535, United States District Court for the Northern District of Ohio). Yesterday, the Honorable Kathleen O'Malley, the federal judge overseeing this matter, issued her written order that scientific evidence shows that welding fumes containing manganese can indeed cause serious neurological damage to welders.

"The evidence so far presented is sufficiently reliable to support the assertion that exposure to low-manganese welding fumes can cause, contribute to, or accelerate a movement disorder, including a parkinsonian syndrome that some doctors will diagnose as PD," the order states. This order confirms a similar ruling made by Judge O'Malley last year, which found that reliable scientific evidence supports the conclusion that welding fumes cause Parkinson's disease. Judge O'Malley also ruled that the health warnings given by two welding-equipment manufacturers, Hobart Brothers Company and ESAB, could be found by a jury to be "grossly inadequate and possibly even misleading."

Judge O'Malley's rulings related to scientific evidence are sharply at odds with statements made to the media by defense attorney John Beisner. According to an article in *The Wall Street Journal*, "Mr. Beisner said the science isn't there to establish a connection between welding fumes and Parkinson's disease," and *The Tennessean* newspaper has quoted him as saying that "[t]here are no scientifically sound studies demonstrating that mild steel welding causes Parkinson's disease or any other Parkinson's-like movement disorder." Furthermore, a recent article in *Forbes* magazine claimed that "defense attorneys for a dozen companies are asserting that manganese-induced Parkinson's and its supposed symptoms were fabricated 'out of thin air' by lawyers and a physician working with them."

During a mid-February hearing in a Cleveland courtroom, Judge O'Malley ruled that the above commentary in *Forbes* magazine was "completely inconsistent" with the causation decision she rendered last year. "We are not talking about junk science," Judge O'Malley went on to say, and she also cautioned the defense lawyers regarding statements made to the press.

"Yesterday, the Court finally put the scientific causation issue to bed," said Don Barrett, co-lead counsel for the plaintiffs, "and we feel enormously vindicated. Let me be perfectly clear about this: Welding fumes containing manganese can cause permanent neurological damage to the welders who use them. I

know it, thousands of injured welders know it, and companies that manufacture these welding rods know it and have conspired to hide this atrocity for decades. ”

Yesterday’s order was issued in *Charles Ruth, III v. A.O. Smith Corp., et al.* (Case No. 1:04-CV-18912, United States District Court for the Northern District of Ohio), a welding fume lawsuit which the welding industry settled on the courthouse steps last year. Judge O’Malley issued the order at the request of the parties, because the rulings have implications for the multidistrict litigation cited above and for related actions filed in various state courts.

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