

Jury Finds ExxonMobil Liable For \$150 Million

WBAL-TV

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TOWSON - A Baltimore County jury Thursday awarded about \$150 million to nearly 300 people who sued ExxonMobil Corp. over wells contaminated by a gasoline leak north of Baltimore.

About 26,000 gallons of gasoline leaked from a gas station in February 2006 in Jacksonville.

Officials estimated that about 675 gallons of fuel leaked every day for 37 days before it was detected.

11 News reporter Lowell Melser said the payoffs were broken down into three categories: medical expenses, the devaluation of property values and emotional stress.

Families were awarded amounts from \$300,000 to more than \$1 million based on the value of their homes, Melser said. Medical expense awards ranged from \$4,000 to \$90,000. Families were awarded, on average, about \$1 million for emotional stress.

The jury didn't find Irving, Texas-based ExxonMobil committed fraud, and therefore couldn't impose punitive damages.

LaGina Facinoli, who was one of the plaintiffs, said she was upset that the jury found the oil company did not commit fraud, according to

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. "It spilled for 37 days. I don't care if it was an hour, a day, it spilled for 37 days. That's fraudulent in any way you look at it," she said.

Plaintiff Lagina Facinoli felt the same way.

"This entire community has been suffering for three years. We put our souls on that stand, and I feel Exxon should have been considered fraudulent," she said.

One Jacksonville resident told WBAL Radio that the verdict was "bittersweet." Ron Determan received \$1.6 million for damages but said he is left with a home he cannot sell for at least 5 to 10 years. The 71-year-old resident also said his wife is suffering from cancer.

"Worrying about the water and the grandchildren -- I get emotional," said plaintiff Mary Thompson.

"I think Exxon dodged a big bullet today," plaintiff Bob Babcock told 11 News.

It took the jury foreman two hours to read the verdict in court, since the names and awards for each individual receiving damages were read. The jury deliberated for 12 days.

In a prepared statement, ExxonMobil said: "As soon as the leak was discovered, we took immediate action and spared no expense. To date, ExxonMobil has spent more than \$38 million for cleanup activities under the Maryland Department of Environment's oversight and direction.

"We are pleased the jury considered the facts in this case and agreed that this was an unfortunate accident, not a fraudulent or intentional act. We believe, however, we should only compensate those who were directly impacted by the accident, and the compensatory damages should not be so high as to essentially be punitive instead of truly compensating for actual harm caused by the spill."

Plaintiffs' attorneys said the verdict was fair and fraud was difficult to prove.

"All in all, we're satisfied," Exxon lead attorney Stephen L. Snyder said. "This would have been a difficult task for all these families were it not they were grouped together and were able to find a law firm to take this matter on."

The company said it would review its legal options before deciding how to proceed.

Stay with WBALTV.com and WBAL-TV 11 News for updates. 11 News reporter Lowell Melser will have more tonight at 5 and 6 p.m.

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