

Global Settlement Reached In Welding Fume Litigation

The steering committees for the parties in the Welding Fume MDL have reached a global settlement resolving nearly all welding fume cases pending in state or federal courts. The settlement is a substantial victory for the welding industry and will practically end welding fume litigation as a mass tort.

In exchange for dismissing their lawsuits and releasing all manufacturers, distributors and sellers of welding fume products from liability, participating plaintiffs will be eligible to receive payments from a settlement pool being funded by welding rod manufacturers. Nearly all plaintiffs have opted to participate and the settlement will result in the dismissal of nearly 95% of all currently pending welding fume cases. A handful of plaintiffs elected to proceed with their lawsuits, rather than participate in the settlement. Those cases are expected to go to trial within the next twelve months.

The settlement will result in the dismissal and release of distributors of welding products, even though the settlement is being funded entirely by the manufacturers.

The settlement will not prevent the filing of new cases by other welders in the future. However, it is anticipated that the difficult track record experienced by welding fume plaintiffs over the last nine years will serve as a significant disincentive for future mass tort litigation, especially for welders possessing questionable claims.

The settlement has been approved by the U.S. District Court for the Northern District of Ohio, which presided over the Welding Fume MDL. The Court entered an order creating a Settlement Fund to be administered by a court-appointed administrator to oversee the fund. The administrator will determine which claim will be paid and award payment to individuals from the fund.

Pursuant to the terms of the settlement, approximately one third of the Settlement Fund will be used to pay litigation expenses, but not attorney fees. No attorney fees will be paid as part of the settlement. It will be up to individual claimants to pay attorney fees from any distribution awarded from the fund.

The settlement essentially concludes welding fume litigation as a mass tort, which began in 2003. At its peak, nearly 14,000 welding fume exposure claims were pending in state and federal courts. By 2005, welding fume litigation was being touted as the “next asbestos.” The industry fought back and was vindicated. Since 2003, the industry won more than thirty trials, while losing just five. Of the five jury verdicts awarded to plaintiffs, only one survived appeal.

For further information contact GAWDA’s Welding Fume Liability Consultant:

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