Montana asbestos victims win $43M settlement

MATTHEW BROWN - Associated Press - Associated Press

A Montana judge has approved a $43 million settlement for more than a thousand asbestos victims who said the state failed to warn Libby residents of the dangers of a nearby vermiculite mine.

District Judge Jeffrey Sherlock in Helena approved the deal. He had dismissed the victim's claims nine years ago in a decision later overturned by the state Supreme Court.

Sherlock also approved attorney fees previously reported to be $14 million on Sept. 8. The Daily Inter Lake first reported the settlement.

An estimated 400 people have been killed and 1,750 sickened by asbestos released from a W.R. Grace & Co. mine outside Libby that closed more than two decades ago.

Lethal dust from the mine once blanketed the small community about 50 miles south of the Canadian border. Cleanup continues at a cost to date topping $370 million.

The majority of the claimants in the settlement are now 65 years or older.

The settlement stems from multiple lawsuits brought against Montana agencies for failing to protect victims in Libby. The state originally claimed in its defense that it had no legal obligation to provide warning of the mine's dangers.

Jon Heberling, an attorney for the plaintiffs, told The Associated Press Friday that the state had just such a duty, but had failed to live up to it.

"This may be of help to families exhausted from providing 24-hour care for people dying of asbestos disease," Heberling said.

Claimant notices received by plaintiffs earlier this year showed at least 1,125 victims would receive payments ranging from $21,500 to $60,700, depending on the severity of their sickness.

Most of Libby's victims never worked in the mine but were sickened after family members brought mine dust home on their clothing or after spending their childhood playing among mine waste that littered the town of 3,000.

In 2004, the Montana Supreme Court said the state should have warned miners about health hazards identified by state officials in Libby as early as the 1950s.

"Plainly, the state knew as a result of its inspections that the mine's owner was

doing nothing to protect the workers from the toxins in their midst," Justice Patricia Cotter said in the 2004 ruling.

W.R. Grace escaped much of its liability for the contamination when it filed for bankruptcy after the extent of the public health crisis in Libby was revealed. But the terms of bankruptcy have been appealed, and Heberling said there are active negotiations with the company over a possible settlement.

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