

# High Court Overturns Jury Award in Exxon Case

JESSICA GRESKO, Associated Press

Maryland's highest court has overturned jury verdicts that ordered Exxon Mobil Corp. to pay more than \$1.5 billion in damages from a 2006 leak at a gasoline station that polluted a community's drinking water.

In two rulings issued Tuesday, the Court of Appeals of Maryland also ordered new trials in the cases related to the spill. In the larger of the two cases involving approximately 150 families and businesses, a jury in 2011 awarded \$1 billion in punitive damages and \$495 million in compensatory damages after a trial that lasted months. Seven judges sitting on the court overruled the punitive damages, saying they could only be awarded if the plaintiffs proved Exxon had intended to act wrongfully.

The judges said that the Irving, Texas-based company could have done a better job communicating with residents during cleanup from the spill. But the court said plaintiffs didn't show clear and convincing evidence that Exxon intended to mislead anyone or that they were harmed by relying on any statements the company made.

In addition, the court overturned awards the jury handed out for emotional distress and awards related to property values. The court said some residents were awarded money for emotional distress but didn't provide evidence their wells were contaminated. A few had contaminated wells but didn't show any injury linked to contaminated water. Some residents were improperly awarded money based on the fear that their property values would decline. Others got awards even though wells on their property were not found to be contaminated.

The court also overturned jury awards in a case that involved about 90 households. The jury had awarded approximately \$150 million in damages in that case.

Exxon said in a statement it was reviewing the court's decision but that the company had "acted appropriately after the accident and the court has agreed."

"We have apologized to the Jacksonville community and we remain ready to compensate those who were truly damaged by this unfortunate accident. We will continue the cleanup," the statement said.

Attorneys for both groups of plaintiffs did not immediately return telephone messages left Wednesday.

Both cases stem from a leak at an Exxon station in the community of Jacksonville, a small, affluent community about 20 miles north of Baltimore. An Exxon contractor doing work at the station punctured a gasoline feed line and the leak was not properly repaired. That allowed more 26,000 gallons of fuel to pour into the ground over more than a month. Many residents in the area get their water from wells, and

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the spill led the state to order well monitoring in the area.

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