Jury Awards Worker $28M For Lung Damage

Associated Press

LEBANON, Mo. (AP) — A Laclede County jury has ordered a Missouri company to pay $28 million to a worker who claimed his lungs were damaged at a compressor plant in south-central Missouri.

In the lawsuit, Philip Berger, 56, claimed he developed inflammation of the lung after breathing contaminants from a chemical used to cool cutting tools at Copeland Scroll Compressors, a firm owned by Ferguson-based Emerson Climate Technologies. Emerson plans to appeal the verdict.

Berger's lawyer, Kenneth McClain, said Berger began coughing severely after a ventilator failed and a vapor cloud filled the area where he worked. He was diagnosed with hypersensitivity pneumonitis, caused by exposure to mold and bacteria found in the fluid.

McClain accused the company of knowing the dangers of working with the fluid and failing to warn employees or provide safety training. McClain said the company used Berger as a "blue-collar guinea pig."

The trial in Laclede County Circuit Court lasted two weeks, McClain said. The jury deliberated two hours on Friday before awarding $5 million in actual damages and $23 million in punitive damages.

A lawyer for Copeland, Joseph Orlet, told The St. Louis Post-Dispatch (http://bit.ly/17M21ET) in an email that the plant is a "very safe work environment," and that management follows chemical safety standards.

"Despite Mr. Berger's claim that he had suffered permanent lung damage, he continued to work for Copeland until the trial with no change in duties," Orlet said.

"This included strenuous activity and 200 to 300 hours of overtime every year. Also, he rode his bicycle two miles each way to and from work three times a week, spent the last four years as a drummer in a rock band and personally remodeled his house last month. None of this seems consistent with the disability he claimed," Orlet said.

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