

# Recycle lawsuits settled

## Plaintiffs get \$5.5 million

By Marcia Myers  
Beacon Journal staff writer

Settlements reported to total close to \$5.5 million were reached Wednesday for victims represented in the five remaining lawsuits stemming from the Recycle Energy System plant explosion three years ago.

The settlements bring to a close all litigation resulting from the 1984 explosion and make unnecessary a trial to determine liability that was to begin Friday.

The agreements were reached a day after three other injured workers settled their damage suits for unannounced sums.

The explosion and fire killed three workers and injured seven on Dec. 20, 1984, when chemicals in a waste shipment exploded in the plant owned by the city of Akron.

During a hearing Wednesday in Summit County Common Pleas Court, defendants in the lawsuits including the city of Akron also agreed to drop numerous cross-claim suits they had filed against each other.

The terms of the settlements were not disclosed, nor the liability of each defendant, but attorneys said the settlements totaled close to \$5.5 million. Initial cash payments to some of the victims would be followed by monthly or "periodic" payments, they said.

Individual awards are difficult to estimate in several of the cases, attorneys said, since some of the victims have opted for structured settlements, in which an award is directed to an insurance company to manage on their behalf.

The suits settled Wednesday were initiated by the families of Dale Liller and William Griggs, both of whom were killed in the explosion; and Kenneth Bell, Emmil Katona and Kenneth Johnson, all of whom were injured.

A total of nine plaintiffs filed

# Last five recycle plant suits settled

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lawsuits against the defendants following the accident. Court testimony indicated that a combination of paint bases and solvents originating from a Mobil Chemical plant in New Jersey and transported to the recycle plant by S&W Waste of Kearny, N.J., led to the explosion.

The lawsuits named the city of Akron, which owns the plant; Tricell Resources, which operated it; Mobil Oil Co.; S&W; Ohio Citizens Bank of Toledo; and truckers who hauled the waste to Akron.

The three workers who settled their lawsuits Tuesday were Michael Aller, Freeman Mize and Mark Kavall Jr.

The damage questions in the nine cases were complicated by the insolvency of the Integrity Insurance Co. of Paramus, N.J., which held \$36 million worth of insurance for the city of Akron and S&W.

"I think the breakthrough came with the reality that if we could not settle, S&W would have to go bankrupt and that probably would have stayed all of these cases for many months," said attorney Donald S. Varian, who represented S&W.

But Summit County Common Pleas Judge James P. Winter said the \$1.4 million jury verdict awarded in July to the family of Henry Teasdale, who died in the accident, also helped resolve the cases. The jury awarded that sum for Teasdale's pain and suffering before he died, for the monetary loss to his family, and for his widow's mental anguish.

"That verdict gave a number which the other cases could measure against," he said.

Two men injured in the explosion, Johnson and Katona, sat in the back of the courtroom as Winter announced the resolution of the lengthy case.

Katona described the settlement as "a relief," but declined further comment.

His attorney, Timothy Scanlon, said the resolution means "a chance for the victims and their families to put a little bit of this behind them."

"It's the end of a tough case," said Scanlon.

Johnson declined to comment.

But his attorney, Randal Lowry, said the end of the lawsuit does not finish the problems it has caused for Johnson, who, he said, has developed post-traumatic stress syndrome.

"It was a horrendous, horrendous incident and the amount (of the award), at least on behalf of Kenneth Johnson, will never put the incident out of his mind. He lives with it day in and day out."

The number of parties in the suits and the high interest in the case had led Winter to schedule the trial in the auditorium of the Morley Health Center, across Broadway from the Summit County Courthouse.