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(AP) The Associated Press

Hundreds Flock To Attorneys In Asbestos Suit

By GARY LYNCH
Staff Writer

Hundreds of former Tyler Pipe Industries Inc. employees have been calling attorneys in Dallas, Tyler and Houston to add their names to the asbestosis and silicosis suits against the Tyler foundry.

Collen Clark of Negem, Bickham and Clark in Tyler said his office has signed 70 new clients since \$9.18 million in damages was awarded to eight plaintiffs on Aug. 18 in a suit against Tyler Pipe Industries Inc.

Clark said he estimated as many as 500 former foundry workers have signed with law firms in Dallas, Houston and Tyler.

"There is a case in Dallas that went to the jury Thursday," Clark said.

On Friday, a Dallas County jury awarded seven plaintiffs \$17 million, making a total of \$26 million in damages against Tyler Pipe in the last few weeks.

Some of the clients coming to Negem,

"Many of the clients we see cannot afford the expense of the chest X-rays. The defense attorneys feel if the workers don't know about their condition, don't tell them."

— Collen Clark
Attorney

Bickham and Clark have already been diagnosed with either silicosis or asbestosis, Clark said. Both are diseases of the lungs in which the victim has inhaled either asbestos fibers or silica dust.

Those who have not been diagnosed go through a screening process that includes chest X-rays and examinations.

Clark said defense attorneys have criticized the practice of law firms paying for the X-rays and exams.

"Many of the clients we see cannot afford the expense of the chest X-rays," Clark said. "The defense attorneys feel if the workers don't know about their condition, don't tell them."

He said there have been several cases of

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cancer found in unsuspecting patients.

"We have actually saved lives," Clark said. "The X-rays have identified several cancer cases in people who had no idea they had a problem."

Another trial is coming up in Tyler, Clark said. Jury selection and pre-trial hearings will begin Sept. 5 and the trial will probably begin on Sept. 8.

Mike Hissey of Hissey, Kientz and Herron in Houston said his firm has signed about 200 former Tyler Pipe employees.

Hissey said his firm has a case scheduled to start every month until the end of the year.

An attorney with another Houston firm said they have about 170 former Tyler Pipe employees ready to go to trial.

Jason Gibson with Smith and Hopper said most of the cases they have are silicosis victims with "a handful of asbestosis" clients.

Some of the cases are being settled out of court, but details of the settlements are not being released, Gibson said.

"The judge here is holding a hearing around the end of October to break the plaintiffs up into groups," he said.

Gibson explained the reason

why these are not class action suits is because the degree of injury to the plaintiffs is variable.

If the plaintiffs had the same claim with the same level of damage, then a class action would be appropriate, Gibson said.

Troy Chandler, of Baron and Budd in Dallas, said his firm has had about 180 people add their names to pending suits against the previous owners of the foundry. Chandler was a major part of the plaintiffs' team in the recent trial in Tyler.

"We rested our case (Thursday) and had an early indication that the jury was going to bring in a favorable verdict," Chandler said. "The jurors passed the judge a note asking when they would be awarding punitive damages."

Tyler Corp., which owned Swan Transportation, sold the foundry in 1995 to Alabama-based McWane Industries Inc. McWane is not a party in these suits.

Tyler Corp. now operates out of Dallas and provides technology, software, data warehousing, and electronic document management systems and services for local governments and other enterprises.

Staff writer Gary Lynch can be reached at (903) 596-6266 or e-mail, news@tylerpaper.com.