

[Products Liability Law Daily Wrap Up, TOP STORY—JURY VERDICTS— E.D. Wis.: \\$6M awarded in Wisconsin lead poisoning trial, \(Jun. 4, 2019\)](#)

Products Liability Law Daily Wrap Up

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By Kathleen Bianco, J.D.

Jury issues first of its kind verdict against three paint manufacturers under Wisconsin's "risk contribution theory."

A federal jury in Wisconsin awarded \$2 million each to three plaintiffs who had been injured because of toxic lead paint exposure during their childhood. In reaching this conclusion, the jury found that three of the four named defendants had acted negligently in producing and marketing lead pigment and paint and had failed to warn users of its risks, according to a [news release](#) issued by the law firm representing the plaintiffs ([Burton v. American Cyanamid Co.](#); [Owens v. American Cyanamid Co.](#); [Sifuentes v. American Cyanamid Co.](#), May 31, 2019).

Each plaintiff filed a separate action against various paint manufacturers, including Atlantic Richfield, Armstrong Containers, Inc., E.I. du Pont de Nemours Co., and Sherwin-Williams Co. The suits alleged that each of the plaintiffs suffered injuries related to their exposure to lead-based paint as children in their homes dating back decades. In 1978, the United States banned the use of lead-based paint in homes. Over the course of the four-week trial, the jury heard testimony regarding neurological testing, chemical analysis, and the health risks associated with lead paint that ultimately led to the ban on its use.

Jury findings. As to each plaintiff, the jury found that the cause of their injury was the ingestion of white lead carbonate pigment. The jury further concluded that any one of the defendants may have produced or marketed the white lead carbonate ingested by the plaintiffs. When asked about whether the defendants were negligent in producing or marketing white lead carbonate, the jury answered "no" as to Atlantic Richfield and "yes" as to the remaining three defendants. The jury went on to conclude that for the three defendants deemed to have been negligent, their products were defective and unreasonably dangerous due to inadequate warnings at the time the products were sold and that the inadequate warnings were the cause of the plaintiffs' injuries.

Regarding one of the plaintiffs who resided in a rental home, the jury was asked if the landlord was negligent in the plaintiff's ingestion of the lead. The jury answered "no" to that question and found the three negligent defendants 100 percent responsible.

Damages. Each plaintiff was awarded \$2 million in damages.

The case is Nos. [07-C-303](#); [07-C-441](#); [10-C-75](#).

Attorneys: Edward Wallace and Corey G. Lorenz (Wexler Wallace LLP) and Fidelma L. Fitzpatrick (Motley Rice LLC) for Glenn Burton, Jr., Ravon Owens, and Cesar Sifuentes. Richard W. Mark (Gibson Dunn & Crutcher LLP) for American Cyanamid Co. Andrew M. Belisle (Morris Manning & Martin LLP) for Armstrong Containers Inc. Jonathan J. Strasburg (Michael Best & Friedrich LLP) for E. I. du Pont de Nemours and Co. Andrew T. Stoker (Quarles & Brady LLP) for Sherwin-Williams Co.

Companies: American Cyanamid Co; Armstrong Containers Inc.; E. I. du Pont de Nemours and Co.; Sherwin-Williams Co.

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