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The Times-Picayune

Supreme Court rejects ExxonMobil appeal in NORM case

5/15/2006, 2:54 p.m. CT

The Associated Press

(AP) — Exxon Mobil Corp. lost a round Monday in its U.S. Supreme Court appeal of a pollution verdict awarding more than \$225 million to a retired judge who leased land to a now-defunct ExxonMobil contractor.

The oil company had asked the high court for a delay in implementation of the verdict while it pursues the appeal. The court refused.

The lawsuit dealt with contamination of about 33 acres of land owned by former judge Joseph Grefer in Harvey. The land had been leased to ExxonMobil contractor ITCO, which cleaned pipes of radioactive material that is generated during oil production.

In 1996, a pipe worker with leukemia discovered through his attorneys that the land was contaminated with radioactive material. The following year, the Grefers sued ExxonMobil and others over what has become known as Naturally Occurring Radioactive Material, or NORM.

In 2001, an Orleans Parish jury awarded the initial \$1 billion in punitive damages against ExxonMobil. A state appeal court later reduced the award.

ExxonMobil has argued that the amount of radioactive contamination found on the Grefers' property was not considered enough by state regulators to be an immediate threat to public health.

"Punitive damages are unwarranted because Exxon acted responsibly," company spokeswoman Susan Reeves said Monday, stressing that the appeal will continue.

In March, a Grefer family attorney said the family has retained contractors to clean up the land and have been waiting for the oil company to pay the costs laid out by the courts.