

August 2023

# Know Your Limits

presented by SCS Agency Inc

Your Monthly Wrap-up of **Mid-market Business Losses**

Environmental Liability

## NEW JERSEY TO RECEIVE \$393 MILLION SETTLEMENT IN PFAS-RELATED CLAIM

A Belgian-based chemical manufacturer agreed to pay \$393 million to the state of New Jersey to settle perfluoroalkyl and polyfluoroalkyl substances (PFAS)-related claims. According to the New Jersey Department of Environmental Protection, the chemical company produced industrial plastics, coatings and other chemicals for more than 30 years and discharged PFAS and other hazardous substances in the area's groundwater. The United States Environmental Protection Agency states that current scientific research indicates exposure to certain PFAS may lead to adverse health conditions, including decreased fertility, hormonal interference, developmental delays in children and an increased risk of cancer. The settlement also requires the chemical manufacturer to remediate the contamination, limit ongoing discharges and test water sources for contamination.

Liability

## JURY AWARDS \$32.5 MILLION IN WRONGFUL DEATH LAWSUIT

A jury issued a \$32.5 million verdict against a Georgia city after determining it was liable for the death of a 21-year-old driver in a single-car accident. The individual's vehicle struck a planter made of a large, dirt-filled tire encased in stone and concrete on city property. According to court documents, the driver swerved off the road, possibly to avoid striking an object or animal. The plaintiff's attorney stated there was no evidence that the driver was speeding, driving recklessly or using a cellphone and that the planter shouldn't have been in the city right of way.

Liability

## JURY RETURNS \$50.5 MILLION VERDICT AGAINST CEMENT COMPANY AFTER IRON WORKER'S DEATH

A Kentucky circuit court issued a \$50.5 million verdict against a cement company and other defendants. The case involved an iron worker's death that resulted from the failure of a steel cable-driven pulley system. The plaintiffs asserted the pulley system's manufacturer alerted the cement company of nonfunctioning safety features, but the cement company failed to correct them while applying pressure to keep production going. The verdict included \$25 million in punitive damages. Worker's compensation did not apply in this case because the defendants were contractors.

Professional Liability

## DISTRICT SETTLES LAWSUIT WITH FAMILY OF STUDENT WITH AUTISM FOR \$1.55 MILLION

A New York school district reached a \$1.55 Million settlement with a family of a student with autism in a lawsuit involving equal access to education. The suit claimed the district violated federal law by failing to provide proper resources and care when it declined to provide the student with applied behavior analysis therapy. According to the plaintiff's attorney, the district insisted on a different methodology that ultimately denied the student equal access to education and resulted in the student missing a limited window of opportunity to address their disability.