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Manufacturers Must Pay \$1.15 Billion in Lead Paint Suit

By Joel Rosenblatt - Jan 8, 2014

[Sherwin-Williams Co. \(SHW\)](#), [NL Industries Inc. \(NL\)](#) and ConAgra Grocery Products LLC were ordered by a judge to pay \$1.15 billion to replace or contain lead paint in millions of homes after losing a public-nuisance lawsuit brought by 10 [California](#) cities and counties.

The final order issued yesterday by California Superior Court Judge James Kleinberg in San Jose, which replaces a tentative order issued last month, increased by \$50 million the amount the companies must pay.

“The takeaway is that he’s affirmed his tentative and made it even stronger,” Nancy Fineman, a lawyer representing the cities and counties, said in a phone interview yesterday. The larger sum is due to changes in how Kleinberg rounded certain costs of the remediation, Fineman said, adding that the judge “didn’t change his approach at all.”

Bonnie J. Campbell, a spokeswoman for the paint manufacturers, said the companies will appeal the ruling, which she said conflicts with public policy recommendations and regulations on lead paint.

“The ruling declares that there is no safe lead level but fails to recognize sources of lead not from paint in parks, playgrounds, streets, water, and air,” she said today in an e-mailed statement. “This ruling is judicial overreach that improperly assumes the role of the legislature.”

Kleinberg on Dec. 16 tentatively ruled against the companies after a non-jury trial that lasted about five weeks. Two other defendants, Atlantic Richfield Co., a Los Angeles-based unit of [BP Plc \(BP/\)](#), and Wilmington, Delaware-based [DuPont Co. \(DD\)](#), won dismissal of the claims against them.

The local governments that sued, including Los Angeles County and the cities of San Diego and San Francisco, broke the companies’ streak of victories in similar suits in seven other states. Los Angeles County will get \$632.5 million for lead abatement in the final ruling, an increase of \$27.5 million from Kleinberg’s tentative decision.

The case is California v. Atlantic Richfield Co., 1-00-CV-788657, California Superior Court, County of Santa Clara (San Jose).

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