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Daughter settles with BP in parents' death

Just days before trial, she accepts private sum, plus \$32 million for hospitals, schools

By BRAD HEM

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GALVESTON — The daughter of two people killed in the 2005 explosion at BP's Texas City refinery settled her case against the company Thursday, and as part of the settlement, BP agreed to donate more than \$32 million to hospitals and schools.

The lawsuit would have been the first related to the blast to go to trial.

With this agreement, London-based BP has settled with the families of all 15 killed in the March 23, 2005, explosion. Injury suits still remain, with some scheduled for trial in February.

Lawyers for Eva Rowe and BP worked out the settlement on the same day they were scheduled to pick a jury for the trial that would have started Monday.

The financial terms for Rowe, 22, were kept private Thursday, but some previous settlements for deaths at Texas City reportedly have been in the tens of millions of dollars.

Rowe, who is from Hornbeck, La., vowed to use some of her settlement money to crusade for workplace safety nationwide.

"I know that would make my parents proud," she said. "I'm going to do everything that I can."

Under the settlement, BP will donate at least \$32 million to various colleges and hospitals in Texas, Tennessee and Louisiana.

"Eva Rowe today is making peace with BP," her Beaumont attorney Brent Coon said. "Eva did not want her parents to die in vain. They were survived by a daughter who would not let this go."

BP officials declined to say why they settled the case, but they repeated apologies for the blast that killed 15 and injured scores more at the nation's third-largest refinery.

"We are deeply sorry for the loss that this caused Miss Rowe," BP spokesman Ronnie Chappell said. "We regret that our mistakes caused harm to someone."

Their favorite charities

Also as part of the settlement, all claims against contractor J.E. Merit Constructors., which employed Rowe's parents, and Texas City plant manager Don Parus were dismissed.

In memory of James and Linda Rowe, \$1 million will go to the cancer center at St. Jude's Children's Research Hospital in Memphis, a favorite charity of the Rowes, and to

Hornbeck High School in Louisiana, where Linda Rowe had worked as a special education teacher's aide before moving to Texas.

BP also will make another \$30 million in donations on behalf of the Rowes and the other 13 people who died in the explosion.

The biggest payments will be \$12.5 million each to the burn unit at the University of Texas Medical Branch at Galveston, which treated 23 people injured in the first six hours after the Texas City blast, and to the Texas A&M University Mary Kay O'Connor Process Safety Center, which works to prevent workplace injuries in the petrochemical industry.

The College of the Mainland in Texas City will receive \$5 million for safety and process technology training for refinery and chemical plant workers.

BP also agreed to match other private donations to those three colleges up to \$2 million each. Coon announced his law firm and Eva Rowe would each donate \$100,000 to the schools.

Records to be made public

Though every other wrongful death case against BP was settled in the past 18 months, Rowe had gone ahead because she wanted to hold the company responsible for the deaths of her parents, she has said.

She also said she wanted potentially damaging documents about BP safety practices to come to light during the trial.

Coon said, as a term of the settlement, those records will be made public. The process for releasing them is still being worked out, he said, but attorneys from his firm and BP will negotiate their disclosure.

The lessons learned from those records will set new industry standards and prevent future accidents, Coon said.

Rowe's attorney said she may have made peace with BP, but that doesn't mean she has forgiven them.

"I'll probably never say BP is a good company," she said.

But now some of BP's money will go for good causes in the Rowes' names. Hornbeck High School is expected to graduate just 18 students — nearly half of them on free or reduced-price lunch programs — this spring. But all of them will have more money for college than they thought. The \$1 million donation to the school will provide \$100,000 in scholarships for at least the next 10 years, Vernon Parish School District Superintendent Cindy Gillespie said.

Most of the students would likely have gone to in-state schools, but the scholarships might allow them to go out of state, she said.

"It will give them a lot of opportunity," Gillespie said. "We're glad that they thought so much of this community."

Gillespie said she hadn't known one of her schools might benefit from Rowe's lawsuit until an attorney with Coon's firm called Thursday morning.

"I thought he was joking with me," she said.

UTMB President Dr. John Stobo said the university would use its share of the settlement to research treatment of children's burns.

"Anytime some good can come out of a horrible event, we applaud that," he said.

'We need to move on'

Constance Kivell, a Galveston resident in the pool of potential jurors, stayed to watch Coon's news conference on the settlement. She said BP's donations were "magnanimous."

"No one will ever forget what happened," Kivell said. "But we need to move on."

The explosion at the plant happened after a blowdown drum overfilled with flammable liquid hydrocarbons.

The excess liquid and vapor were then vented from the drum and ignited as the isomerization unit — a device that boosts the octane in gasoline — started.

Alarms and gauges that were supposed to warn of the overfilled equipment didn't work properly.

The blast killed the Rowes, who were in a construction trailer 121 feet away, and was felt as far away as five miles.

Chronicle reporter Anne Belli contributed to this report.

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SOUTHWEST LOUISIANA NEWS AND ENTERTAINMENT

Court injunction sought to freeze OB/GYN's assets

By HECTOR SAN MIGUEL
AMERICAN PRESS
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A Lake Charles lawyer is asking for a permanent court injunction to freeze all assets of Dr. Peter LaFuria, a local OB/GYN under criminal investigation.

In another development, Calcasieu Parish Sheriff Tony Mancuso told the American Press Monday that the LaFuria investigation could become the costliest investigation he has overseen.

LaFuria was arrested April 30 on one count of video voyeurism.

He is accused of taking inappropriate photos of one of his patients during an examination. He remains free on a \$25,000 bond.

Authorities served a search warrant April 24 on LaFuria and reportedly found hundreds of photographs of unidentified women stored in computers. Efforts are under way to determine if the women are his patients.

Deputies seized 13 computers, three digital cameras, a video camera and hundreds of computer discs from LaFuria's medical offices and from his River Lane residence on Prien Lake.

Attorney Charlotte Guilbeaux made the request for the injunction in a class-action lawsuit she filed Friday in 14th Judicial District Court against LaFuria, his medical corporation and insurance company.

It is one of several lawsuits already filed against LaFuria.

Guilbeaux has also filed a "notice of pendency of action" regarding property owned or acquired by LaFuria, in community with his wife, and his medical practice. It would prevent him from disposing of these assets while the civil action against him is pending in state court.

The lawsuit filed by Guilbeaux was done on behalf of "former patients and/or victims of acts and/or omissions" of LaFuria. It seeks damages for the former patients.

It also seeks a temporary restraining order and a permanent injunction to keep LaFuria from disposing or transferring any of his assets.

The suit contends that the hospital "allowed Dr. LaFuria privileges at its facility, at which time LaFuria encountered many patients" including the three plaintiffs.

It adds that the hospital was negligent because it "allowed the situation to exist for a period of time consisting of several years despite its knowledge that Dr. LaFuria was incapable of appropriately dealing with patients... ."

The suit also contends the hospital "negligently credentialed Dr. LaFuria without performing an appropriate background investigation which would have uncovered the proclivities of Dr. LaFuria which led to injuries and damages suffered by plaintiffs."

A lawsuit presents the grievance of one party against another. It does not present both sides of the issue in question.

Sheriff Mancuso said Monday that photographs seized by the sheriff's office from LaFuria's offices and home do contain profiles of some of the female patients.

"Certainly the victims have the right to file a civil suit, but it's much more difficult for us on the criminal aspect of it to provide evidence, and some of these photos can be identified through profile shots," he said.

Mancuso said the investigation is going to cost his office a lot of money because there is so much evidence that has to be processed.

"This is going to be a very costly investigation. I don't know right now how much we are talking about. We do have the money. Thank goodness we do," he said.

"Money shouldn't be an obstacle in an investigation. Whatever it takes, we are going to do it along with any other investigation. There is a lot of evidence, and we have to pay attention to these details."

Mancuso said he has hired four retired female deputies temporarily to help view the hundreds of photographs found in LaFuria's home and offices. The female deputies will also help take statements from LaFuria's patients and do further processing.

The sheriff also has hired an outside service to make copies of the hundreds of medical files it seized from LaFuria's offices.

It is the first time the sheriff's office has had to hire outside help in a criminal investigation.

"You have to understand that we are still getting cases every day along with our normal workload. We don't want our other cases to suffer. This is our solution," Mancuso said.



Pfizer Unit Failed to Warn of Drug Risk, Jury Says

By Jeff Feeley and Sophia Pearson

May 15 (Bloomberg) -- A Pfizer Inc. unit failed to properly warn a New Jersey woman about the cancer risk of its hormone- replacement drug Provera and should pay \$1.5 million in damages, jurors said in the first trial over the menopause treatment.

A Philadelphia jury deliberated more than six hours today before finding Pharmacia & Upjohn didn't adequately warn women about Provera's breast cancer risk. Jurors also ruled that Wyeth did properly warn of the risks of its hormone drugs Premarin and Prempro. It was Wyeth's third win in six trials over the drugs.

"We believe the jury's decision with respect to Wyeth is consistent with the evidence presented and the scientific knowledge concerning hormone therapy," Chris Garland, a Wyeth spokesman, said.

Simon's claims are the first to go to trial over Provera against the unit of New York-based Pfizer, the world's largest drugmaker. The drug, on the market since 1959, was developed by Upjohn, which Pfizer acquired in 2003 along with Pharmacia Corp.

Pfizer's lawyers said they'd appeal the Philadelphia Court of Common Pleas jury's decision.

"We don't believe the verdict is supported by the evidence or medical science," Jim Pagliaro, a lawyer representing Upjohn, said in an interview after the verdict. "We believe we acted responsibly in regard to this product."

Hot Flashes

Simon's lawsuit was one of at least 5,000 pending against Madison, New Jersey-based Wyeth over its hormone-replacement drugs, including Prempro and Premarin. Simon is among as many as 6 million women who took the pills to treat menopause symptoms such as hot flashes and mood swings before a 2002 study highlighted their links to cancer. Pfizer spokesman Bryant Haskins said earlier the company hasn't disclosed how many Provera cases it faces.

The Women's Health Initiative study, sponsored by the U.S. National Institutes of Health, concluded women who took a combination of estrogen and progestin, as found in Prempro, had a 24 percent higher risk than others of getting invasive breast cancer.

The company recognized the association "long before the WHI study" and noted it on labels, Garland said in March.

Until 1996, many menopausal women combined Premarin, which contained estrogen, with Provera, which contains progestin, to relieve their symptoms. In 1996, Wyeth combined the two substances in its Prempro pill.

Simon took the Premarin-Provera combination starting in 1992 and switched to Prempro in 1996, her lawyer Morris told jurors. She stopped taking hormone-replacement drugs after being diagnosed with breast cancer in 2002, he said.

'Wishy-Washy' Warnings

Simon's lawyer Jim Morris, of Brent Coon & Associates, argued during the month-long trial that neither Wyeth nor Upjohn properly warned Simon that she risked breast cancer by taking the menopause treatments.

Wyeth offered only "wishy-washy" warnings about possible breast cancer while Upjohn's only warning was that a test on beagles showed some of the dogs did develop the disease.

The companies countered that breast-cancer risks associated with their drugs were well known and they included warnings in their labels approved by the U.S. Food and Drug Administration to insure doctors had accurate information about the treatments.

In their verdict, jurors concluded that Upjohn's Provera was a cause of Simon's cancer and the company provided "inadequate warnings" about its health risks. They cleared Wyeth's drugs of playing any role in Simon's cancer and found the company properly warned of its risks.

"I think it's a good verdict and it confirms what we thought all along," Morris said in an interview after jurors reached their decision.

Other Awards

Simon's case is the first hormone-replacement suit to come to trial since February, when another Common Pleas Court jury in Philadelphia ordered Wyeth to pay \$3 million in damages to an Ohio woman and her husband who claimed Prempro helped cause her breast cancer.

An earlier jury had awarded the couple \$1.5 million on their claims. A judge threw out that verdict because of a juror's misconduct. Wyeth is appealing the February verdict.

A separate Philadelphia jury ruled in January that an Arkansas woman and her husband were entitled to \$1.5 million in damages over her claims that Prempro use caused her breast cancer. Wyeth also is appealing that verdict.

Shares of Madison, New Jersey-based Wyeth rose 38 cents to \$55.67 in New York Stock Exchange composite trading today. The company's shares have risen 13 percent over the last year. Pfizer's shares, which have risen 9 percent over the same period, fell 13 cents to \$27.10.

Wyeth officials said in January that sales of its hormone-replacement drugs climbed to more than \$1 billion in 2006. Sales topped \$2 billion, making them Wyeth's best-selling products, before the Women's Health Initiative study.

The case is Simon v. Wyeth, 040604229, Court of Common Pleas (Philadelphia).

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