



MEDIA RELEASE
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Appeals Court Upholds Class Action Suit against Lead Paint Makers

(Oakland, CA) –Today, the California Sixth Court of Appeal in San Jose reversed a lower court decision dismissing a class action lawsuit against the makers of lead paint, alleging they knowingly sold lead-based paint products that polluted the environment and poisoned people, especially children.

The suit, first filed in March 2000, was brought by Santa Clara County. The City of Oakland, along with other California counties and government entities, was a plaintiff in the suit because thousands of Bay Area children suffer every year from brain damage and physical deformities as a result of lead poisoning.

“We’re delighted by the court’s decision,” said Oakland City Attorney John Russo. “This gives us an opportunity to hold the lead paint manufacturers accountable for a poison they knowingly put on the market, endangering lives for decades.”

The decision stated that the Superior Court’s dismissal rulings “were erroneous” as to the allegations of “public nuisance, strict liability, negligence and fraud.” The suit was filed against eight paint manufacturers and the Lead Industries Association, citing a “callous disregard of the health and welfare of people, especially children,” and their “fraudulent concealment of facts” surrounding the health hazards of lead paint.

The suit was filed by the law firm Cotchett, Pitre, Simon & McCarthy as a class action on behalf of public entities across the state – including cities, counties and others that spend millions of dollars for lead removal from public buildings and the cost of treating those harmed by ingesting the toxic substance.

The San Jose-based Appeals Court decision came less than two weeks after a jury in Providence, Rhode Island found that three former lead paint makers created a public nuisance that continues today to poison children. The verdict means the companies could be held responsible for millions of dollars in cleanup and mitigation costs.

“This will be especially significant for the low income people living in the older homes in Oakland and throughout California,” said Russo. “They don’t have the means to remove or deal with the dangerous old paint. The lead paint industry should be accountable for paying the bill to clean it up.”