

— *Complaint against Beatrice dismissed*

# Jury finds W.R. Grace liable

By DAN KENNEDY

BOSTON — W.R. Grace & Co. negligently dumped chemicals at its East Woburn Cryovac property, leading to the contamination of municipal wells G and H, according to a verdict rendered today by a U.S. District Court jury.

The dramatic announcement means the Woburn leukemia trial will move on to a second phase, in which the eight East Woburn families who brought the lawsuit will attempt to prove the contaminants resulted in six deaths and two illnesses.

The plaintiffs' complaint against a second defendant, Beatrice Foods Co., was dismissed by the three-man, three-woman jury.

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A complete report will appear in the next edition of the Daily Times Chronicle.

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The jurors did not accept the plaintiffs' argument that Beatrice negligently allowed chemicals to be disposed of on property the company formerly owned, and that the chemicals then flowed into wells G and H.

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W.R. Grace's Cryovac plant in East Woburn

(Bob Cournoyer photo)



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The properties are Grace's Cryovac manufacturing facility, 369 Washington St., and a piece of land that is part of the Riley Leather Co. tannery, 228 Salem St.

Beatrice owned the tannery from 1978 to 1983 and retains environmental liability.

The second phase of the trial will begin in September and is expected to last several months. If the plaintiffs prevail, a third phase will be held to determine damages. Judge Walter Jay Skinner has said such an award could be "astronomical."

The trial got underway March 10 and covered 72 days of arguments, evidence and testimony. Closing arguments were delivered July 14, with jury deliberations getting underway the following day.

Plaintiffs' attorney Jan Richard Schlichtmann contended that Cryovac employees dumped chemical wastes down storm drains and on the ground behind the factory. From there, he said, chemicals leached into groundwater and flowed into wells G and H, which were about 2,500 feet to the southwest.

Grace attorney Michael B. Keating did not dispute that chemicals were dumped at the Cryovac site. But he contended the chemicals could not have flowed into the wells during the years the wells were open, and that the Aberjona River was a more likely source of contamination. The wells are located on the east bank of the river.

Schlichtmann's case against Beatrice consisted of testimony that the tannery negligently allowed access onto an undeveloped 15-acre property, and that chemicals dumped on the property flowed 700 feet to the northeast into the wells.

Beatrice attorney Jerome P. Facher argued that the 15-acre property was contaminated only after the wells were closed, and that the source of contamination to the property was off-site.

He also said former tannery owner John J. Riley Jr. could not be found negligent simply for failing to realize that chemicals dumped on his property could flow under the river and upstream into the wells, as the plaintiffs claimed.