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DANA L. SPITZER

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J. Craddock
D. J. Slocum
F. J. Stokes

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Firms reinstated to PCB lawsuit

The Oklahoma Supreme Court has reversed a Tulsa judge's decision that barred employees of a restaurant and Beacon Building employees from suing the manufacturer of electrical transformers that exploded there.

The high court's decision, filed Tuesday, reinstates Westinghouse Electric Corp. and Monsanto Co. as defendants in a 1984 lawsuit filed by Lannis and Sherry L. Smith, Albert and Joyce Kemp, James and Becky Economou, Norman Kelly and Coney Island Hot Weiners Inc.

The plaintiffs asked for $19.5 million in their suit, alleging they were contaminated with cancer-causing PCBs (polychlorinated biphenyls) when two transformers exploded in an underground vault in the Beacon Building.

District Judge Ronald Shaffer dismissed Westinghouse and Monsanto from the case in 1985. Shaffer ruled one cannot sue the manufacturer or seller of an item used in improvement of real property more than 10 years after improvements have been made.

Public Service Company of Oklahoma purchased two transformers from Westinghouse in 1937 and 1938, Shaffer pointed out in his ruling. The transformers exploded in 1963 and 1964.

Westinghouse manufactured the transformers. Monsanto manufactured the fluid inside the transformers.

In an opinion written by Justice Marian Opala, the high court said Westinghouse and Monsanto are not shielded from liability, reversing Shaffer's decision and returning the case to District Court for further action.

The ruling stated the issue is whether the transformer constitutes an improvement to real property. The ruling stated the transformer is not an improvement to real property under the statute.

Chris Economou, attorney for the plaintiffs, said he was pleased with the ruling. "We now have all defendants back in court again."

"I always thought they (Monsanto and Westinghouse) should be included in the suit. Let's let the jury decide the proper liability for each," he said.

Economou's parents, James and Becky Economou, work for Coney I-Lander, which is owned by Kelly. The Smiths and Kemps are employees of the Beacon Building, he said.

PSO remains a defendant in the lawsuit.