

For some, there was hell to pay

Philly juries awarded more than \$3.3B in verdicts this year: Here are the top 5

By Abraham Gutman

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Philadelphia's civil courtrooms have a national reputation for the large verdicts personal injury lawyers secure in them, and this year the city's jurors didn't buck the trend.

Juries heard nearly 220 cases that went to verdict this year heading into Christmas, and they awarded more than \$3.3 billion in roughly 100 verdicts in favor of plaintiffs, according to data from Common Pleas Court. Verdicts ranged from \$800 to \$2.25 billion, but the majority of the overall sum came from 12 so-called nuclear verdicts of \$10 million or more.

Tort-reform proponents, who advocate for measures such as caps on civil trial verdicts, point to the growth in large verdicts as proof that Philadelphia is a "judicial hellhole." But attorneys who litigate trials in Philly cite some of this year's largest verdicts as evidence the system is working, with judges operating as checks following a jury's decision that can reduce the award size or even order a new trial.

Here are the five largest verdicts of 2024:

- **\$2.25 billion against Monsanto in a Roundup weed killer case:** It doesn't get much larger than this.

A Philadelphia jury hit agricultural giant Monsanto with the whopping verdict in January, after finding that the company's popular weed killer product, Roundup, caused the blood cancer of a Lycoming County man.

The vast majority of the verdict — \$2 billion — was in punitive damages, and the remaining \$250 million was meant to compensate the plaintiff, John McKivison, for the harm he endured.

Over the summer, a Philadel-



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phia judge reduced the verdict by more than 80%, to \$400 million in total.

The case was one of dozens of lawsuits against Monsanto filed in Philadelphia, and thousands nationally, making similar claims.

Philadelphia juries have heard seven Roundup cases since 2023, and Monsanto successfully defended itself in three.

- **\$725.5 million against Exxon Mobil:** In another trial alleging that toxic exposure caused blood cancer, a Philadelphia jury in May awarded \$725.5 million to Paul Gill, who worked in proximity to benzene-containing products starting in the 1970s, including as a gas station attendant in New York in 1974 and an

auto mechanic in Hamilton Valley, Pa., from 1975 to 1980.

Gill was diagnosed in 2019 with leukemia, which he argued in a lawsuit against Exxon Mobil was the result of "exposure to the defendants' benzene-containing products and the defendants' wrongful conduct."

A Philadelphia judge in September denied the Texas-based oil company's appeal of the verdict. Exxon Mobil appealed again, this time to Pennsylvania's Superior Court.

Because the largest verdict of 2024 was reduced, the \$725.5 million against Exxon Mobil is the year's largest that remains intact.

- **\$78 million against Monsanto in another Roundup**

case: Monsanto still had its fair share of large verdicts.

The Bayer-owned company was hit with \$78 million in October after a jury heard nearly a month of testimony in the case of William Melissen, who developed blood cancer after using Roundup frequently for nearly 30 years.

This time a jury awarded \$3 million in compensatory damages and \$75 million in punitive damages.

- **\$68.5 million against OCF, subcontractors in construction worker's death:** A jury awarded \$68.5 million to the family of a worker who was killed in a fall from a fifth-floor balcony at a Center City construction site.

Siarhei Marhunou, 38, from Belarus, died in December 2021 after falling nearly 50 feet from a balcony of a development at 2330 Sansom St. A few months later, his widow sued OCF Construction and project subcontractors. The complaint accused the companies of "carelessness, negligence, gross negligence, [and] recklessness" because of a temporary guardrail that failed to prevent the fall.

In June, after a four-day trial, a jury found OCF to be 50% responsible for the incident and split the other 50% among the other defendants.

- **\$45 million against Temple University Hospital in a medical malpractice case:** In the largest medical malpractice verdict of the year, a jury sided with a gunshot-wound survivor who aspirated food and suffered brain damage two days after his discharge from Temple University Hospital.

Dylan Hernandez was shot in the neck in 2020, when he was 15, and was treated at Temple Episcopal and then the main campus on North Broad Street. His lawyers argued in a lawsuit that he and his mother did not receive proper instruction when he was discharged. Less than two days after he went home, Hernandez inhaled mashed potatoes, causing his brain to go without oxygen.

A jury awarded him \$45 million in August.

But earlier this month, in a rare move, a judge ordered a new trial, saying that the jury's verdict did "not make logical or legal sense" and that its award of future medical costs was "exorbitant."

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