VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

RUBERT E. MINTON, et ux	)	
	)	
Plaintiffs,	)	
v.	)	C. A. NO. CL09-01505F-15 (TF)
	)	
EXXON MOBIL CORPORATION	)	
	)	
Defendant.	)	

FINAL ORDER

THIS DAY came the Plaintiff, Rubert Minton, by counsel, and the Defendant, Exxon Mobil Corporation, by counsel, on the jury's verdict and Exxon Mobil Corporation's Motions to Set Aside the Verdict, for a New Trial, and for Remittitur.

WHEREAS on March 17, 2011, the Jury returned a verdict in favor of the Plaintiff and awarded the Plaintiff $12,000,000.00 in compensatory damages, $430,963.70 in stipulated medical expenses, and $12,500,000.00 in punitive damages, for a total jury award of $24,930,963.70; and

WHEREAS the Jury awarded prejudgment interest on $430,963.70 beginning on April 28, 2009; and

WHEREAS the Plaintiff's *ad damnum* sought compensatory damages of $15,000,000 and punitive damages of $5,000,000; and

WHEREAS Exxon Mobil Corporation filed a post-trial Motion to Set Aside the Verdict, for a New Trial, and for Remittitur and such motion was fully briefed and argued *ore tenus* by the parties; and

WHEREAS the Plaintiff agrees in this case that the punitive damages verdict should be remitted to $5,000,000, in this case, such sum being the amount sought in Plaintiff's *ad damnum*; it is hereby

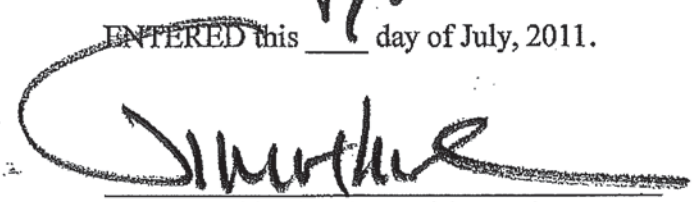
ORDERED that Exxon Mobil Corporation's Motion to Set Aside the Verdict, for a New Trial, and for Remittitur is DENIED in all respects, except that the Jury's punitive damages verdict shall be, and hereby is, remitted to $5,000,000; and it is further

ORDERED that judgment shall be, and hereby is, entered against the defendant, Exxon Mobil Corporation, in the amount of $17,430,963.70 with prejudgment interest on $430,963.70 at the statutory rate of 6.00% beginning on April 28, 2009, and post-verdict interest at the statutory rate of 6.00% on the outstanding amount of the verdict beginning on the date of the jury's verdict, March 17, 2011, until such time as the judgment, judgment interest and all allowable court costs have been paid in full; and

It is further ORDERED, pursuant to Va. Code §8.01-676.1, that Exxon Mobil Corporation shall file an appeal bond, in the amount of $22,500,000.00 if it decides to seek review of this Final Order; and

It is further ORDERED that the Clerk provide a certified copy of this Order to counsel for the Plaintiff and Defendant.

ENTERED this 7th day of July, 2011.



Honorable Timothy S. Fisher, Judge

SEEN:

Robert R. Hatten, Esq.
Hugh B. McCormick, Esq.
William W.C. Harty, Esq.
Counsel for the Plaintiff

SEEN AND OBJECTED TO for all the reasons stated in the record, the motions and briefs previously filed herein:

Eric D. Cook, Esq.
Counsel for the Defendant, Exxon Mobil Corporation

Assignments of Error

I. The trial court erred in allowing liability to be imposed on Exxon—a vessel owner—for a longshoreman's asbestos-related workplace injuries despite the absence of evidence demonstrating either that Exxon actively controlled his work or the instrumentality that injured him, or that Exxon failed to intervene to protect him in the face of actual knowledge that his employer was ignoring an obvious risk to his safety.

II. The trial court erred in allowing liability to be imposed on Exxon despite the absence of evidence establishing that his mesothelioma was proximately caused by Exxon's breach of a maritime-law duty (even assuming such a breach occurred).

III. The trial court erred in excluding all evidence that Minton's employer (the Shipyard) knew of the relevant hazard and had asbestos control procedures in place.

VI. The court erred in awarding punitive damages, which are not available under § 905(b) and were not supported by the trial evidence. The court also erred in failing to grant a new trial on punitive damages and in refusing to at least remit the excessive punitive damages award