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Emissions verdict is record \$363M

Cook case was first of more than 700 against Sterigenics

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A Cook County jury awarded \$363 million Monday to a woman who alleged that emissions from medical device sterilization company Sterigenics caused her to develop cancer, in the first lawsuit of more than 700 set to go to trial against the company.

The total included \$38 million in compensatory and \$325 million in punitive damages in the suit by Sue Kamuda of Willowbrook. It is the largest verdict in the state to be awarded to an individual plaintiff, according to the Jury Verdict Reporter.

At a news conference Monday, Patrick A. Salvi II addressed the jury awarding an amount exceeding the \$346 million sought by the plaintiff's team. "I thought that the numbers I asked for were reasonable. They thought it ought to be even more," he said. "So I commend them for their courage."

Sterigenics said it would pursue options including appeal.

Kamuda, 70, lived about one-third of a mile away from the Sterigenics plant, which is at the center of accusations that it knowingly emitted a cancer-causing gas into the surrounding community for decades.

Kamuda, who has no family history of breast cancer, claims that Sterigenics released the known carcinogen ethylene oxide into the air, causing her breast cancer.

The case went to trial Aug. 18 before Cook County Circuit Court Judge Marguerite A.



Patrick A. Salvi II

Quinn. Closing arguments were delivered Thursday.

Kamuda had sought punitive and compensatory damages against Sterigenics, its corporate parent Sotera Health, and Alsip-based food ingredients maker Griffith Foods, Ltd., which previously owned Sterigenics from 1984 until 1999.

She said at the news conference Monday that the verdict was "such a relief" and that she had pursued legal action to "shut [Sterigenics] down."

"When you hear that guilty verdict in the end, it's worth it," she said.

Kamuda's case is the first of more than 760 pending lawsuits in Cook County against Sterigenics to go to trial. "I knew [Kamuda] felt so vindicated, especially as the first trial," Salvi added. "So much is riding on her. In her community, there are hundreds and hundreds of people who filed lawsuits. And she ends up being the first trial, and so many people were watching to see if we were able to prove our case because of the obvious dominoes that could potentially fall one way or the other depending on the outcome."

The hundreds of plaintiffs,



Lance D. Northcutt

who include individuals who lived or worked near the facility, were diagnosed with cancers and blame Sterigenics for making them sick. They claim the facility knowingly emitted the cancer-causing toxin into the surrounding community for decades.

Kamuda's three children went to school within a mile of the plant. Her son Brian was diagnosed with non-Hodgkin's lymphoma in 2021. His case will go to trial at a later date.

The lawsuits also allege Sterigenics and Sotera began funneling \$1.3 billion of its assets to investors beginning in 2016, when unfavorable EPA reports were finalized regarding the potency of ethylene oxide, according to the plaintiff's attorneys.

The Willowbrook Sterigenics facility was permanently closed in 2019. Since the plant's closure, the state has enacted strict new EtO emission limits, according to the plaintiff's attorneys.

In addition to Salvi, Kamuda was represented by Lance D. Northcutt and Jennifer M. Cascio of Salvi, Schostok & Pritchard, PC.

Additionally, she was represented by Shawn Collins and Margaret Galka of The Collins Law Firm, as well as Scott A.



Jennifer M. Cascio

Entin, Roisin Duffy-Gideon and Deanna N. Pihos of Miner, Barnhill & Galland, PC.

Sterigenics was represented by Joseph G. Hollingsworth, Matthew J. Malinowski, Ann Marie Duffy, Eric G. Lasker and Robert E. Johnston of Hollingsworth LLP's Washington D.C. office. They could not be reached for comment.

"We do not believe the jury verdict in this matter reflects the evidence presented in court," a spokesperson for Sterigenics said in a statement. "Sterigenics is evaluating the verdict and plans to challenge this decision through all appropriate process, including appeals."

The statement said Sterigenics would "continue to vigorously defend against allegations about our ethylene oxide operations and emissions ... and as we have consistently done throughout our history, we will continue to operate in compliance with applicable rules and regulations to ensure the safety of our employees, the communities in which we operate and patients around the world."

The case is *Kamuda v. Sterigenics, et al.*, No. 18 L 10475.

Reporter Grace Barbic contributed