

GE-MOREAN

546001

PostStar.com

Lawsuit against GE will continue

By NICK REISMAN

reisman@poststar.com

Thursday, May 8, 2008 1:46 AM EDT

FORT EDWARD - Warren County Judge John Hall has denied General Electric Co.'s request to dismiss a lawsuit filed by 45 Fort Edward property owners whose homes and businesses were contaminated with an underground plume of an industrial chemical used by the company.

Residents in the area blame the company for dumping trichloroethylene, or TCE, an industrial solvent GE used at its Broadway manufacturing plant.

The ruling, dated Monday and received by lawyers Wednesday, notes that GE failed to notify residents living in the contamination zone that the TCE could threaten human health.

The chemical is believed to have seeped into the soil underneath homes and businesses by way of groundwater and then evaporated into homes.

Residents living in the area were aware in 1983 that TCE had spread to the residential neighborhood, but the extent of the contamination -- and its potential consequence -- wasn't known until 2005.

"None of the plaintiffs were personally notified by the defendant (GE), the State of New York, or any other entity, that any contamination from GE was found in their drinking water," Hall wrote in his decision. "None of the plaintiffs' homes or water supply were ever tested for either drinking water contamination or soil vapor contamination prior to 2005."

The company, however, can still argue in the case that the statute of limitations has expired for the property owners to sue, according to court documents.

"It's always a question of fact when we should have known the danger," said Paul Wein, the lawyer representing more than 40 homeowners in the suit, as well as Broadway Lanes Bowling Alley and Fort Hudson Nursing Home.

Wein said the case will likely move forward by studying the underlying claims of the property owners, which includes proof of damages.

"We're hoping that GE sees this decision and the likelihood that a jury in Fort Edward is going to see this case eventually," Wein said. "Maybe they should sit down and talk to us."

Residents and business owners are seeking to reclaim lost property value they say was caused by the contamination.

Recently, the town of Fort Edward has considered joining the lawsuit on the side of its residents.

GE maintains that the contamination isn't harmful to a person's health.

The company's own test of the area, conducted in 2005, found traces of the chemical, but the concentrations were within the state Department of Health's guidelines.

Still, GE officials view Hall's ruling to allow the statute of limitations argument -- which Wein had sought to dismiss -- as a victory.

"It is our view that the property owners in this matter were fully aware of the potential for exposure and did not file this claim within the time limit provided in the law," said Mark Behan, of Behan Communications and a spokesman for GE.

The company, he said, has gone above and beyond what was required to test for the chemical.

"No volatile organic compound has been detected in the living space of any of these homes," Behan said. "It's also important to recognize that GE has met all of its regulatory obligations. All of our work was done in the public view. All of the work was reported to the public by state agencies."

The issue is separate from GE's multi-year, \$460 million Hudson River dredging project that will remove PCB-tainted sediments from the river.

Car Insurance Quotes Online

Compare auto insurance quotes from top companies online.

www.insurance.com

Free Credit Score and Report

Get your free credit report and score from FreeCreditReport.com.

www.FreeCreditReport.com

Fed Cuts Interest Rates Again

Mortgage Rates Hit 26 Month Lows. Calculate Your New Mortgage Payment.

www.LowerMyBills.com

Ads by Yahoo!