

Ohio Jury in C-8 Exposure Case Awards \$1.6M in Compensatory Damages, Denies Punitives

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An **Ohio** federal jury in October handed out the first verdict in multi-district litigation (“MDL”) against E.I. DuPont de Nemours and Co. related to ammonium perfluorooctanoate, or C-8, in drinking water around DuPont’s Washington Works plant in West Virginia. See [Bartlett v. E.I. Du Pont de Nemours & Co.](#), 2:13-cv-170 (S.D. Ohio Oct. 7, 2015). The verdict, awarding \$1.6 million in compensatory damages to a Plaintiff who alleged her kidney cancer was caused by C-8, is the first in some 3,500 cases in the MDL.

The jury awarded \$1.1 million in damages for Plaintiff’s negligence claim and another \$500,000 for her emotional distress claim. In an August 2015 decision, the judge overseeing the MDL held DuPont may face punitive damages. *In re: E.I. Du Pont de Nemours & Co. C-8 Personal Injury Litigation*, 2:13-md-2433 (S.D. Ohio Aug. 19, 2015). DuPont argued it had implemented affirmative and extensive measures to protect and inform the public, including studying the health effects of C-8 and monitoring worker and public exposure to the substance. But the Court held that “[a] reasonable jury could find the evidence shows that DuPont knew that C-8 was harmful, that it purposefully manipulated or used inadequate scientific studies to support its position, and/or that it provided false information to the public about the dangers of C-8.” *Id.* at *10. The jury here, though, found Plaintiff had not shown that DuPont acted with actual malice, and it rejected Plaintiff’s bid for punitive damages.

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National Law Review, Volume V, Number 314

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