

FINALIST
PUBLIC JUSTICE 2010 TRIAL LAWYER OF THE YEAR AWARD

Owens v. ContiGroup Companies

Six lawyers who took on a subsidiary of the largest pork producer in the U.S. for allowing its production facilities to pollute a pastoral northern Missouri community has been named a finalist for the 2010 Public Justice Trial Lawyer of the Year Award.

Richard H. Middleton Jr., of Savannah, Ga.; **Charles. F. Speer** of Kansas City, Mo.; and **Stephen A. Weiss** of New York City led the team in *Owens v. ContiGroup Companies*, an eight-year-long case that ended in a jury verdict of more than \$11 million for 15 local residents. The team included **Stephen A. Sael** of Middleton's firm; and **Britt Bieri and Gerald Lee Cross., Jr.**, of Speer's firm.

Gentry County's Homan Farm, the offending facility, produced 200,000 hogs per year for slaughter and 83 million gallons of waste annually. Operators deposited the waste in 50 "cesspits" that were exceptionally foul. Chemicals from the hog waste created odors described as unbearable by area residents. State government lawsuits against the pork producers had resulted in three consent decrees, but the companies remained defiant.

The *Owens* team faced a stubborn opponent with a team of more than 25 lawyers and a seemingly bottomless litigation budget. A confidential internal memo revealed that the company was prepared to litigate each of the 15 plaintiffs' nuisance cases separately in hopes of straining the victims' resources and prolonging the trial schedule for many years. The memo indicated ContiGroup was willing to spend \$2-4 million to defend each case.

But, a Missouri state court judge reversed himself and consolidated the 15 cases, a decision that would allow the jury to get a much clearer understanding of the magnitude of the community's suffering and loss.

After a full month of testimony, the jury took only eight hours to unanimously reach its verdict in March 2010.

The *Owens* team is one of five finalists for the award, bestowed annually upon plaintiffs' attorneys who won verdicts, judgments or settlements in cases that pitted them against powerful government agencies or well-heeled private corporations – or both – requiring extraordinary work and dedication.