Brush Wellman Inc. Statement on Ohio Supreme Court Decision

The Supreme Court of Ohio ruled today on a statute of limitations interpretation in David and Theresa Norgard v. Brush Wellman Inc. The court's ruling reverses the opinions of two lower courts which had earlier dismissed the case as time-barred.

Brush Wellman vehemently disagrees with the decision of the court's 4-3 majority.

The court's interpretation of the statute of limitations on tort cases creates a new rule that extends well beyond what has been carefully considered precedent in Ohio for many years.

This ruling is limited to a statute of limitations interpretation. The court was not asked nor did it rule on any issues of fact regarding occupational exposure to beryllium or alleged “wrongdoing” by Brush Wellman Inc.

Brush Wellman will vigorously argue the merits of the Norgard's intentional tort claim and seek summary judgment when the case goes back to the trial level.

In all other Ohio cases with allegations similar to those made by the Norgards, trial courts have consistently decided in favor of Brush Wellman by granting summary judgment. In addition, a Colorado jury and judges in other states have likewise decided in favor of Brush Wellman after hearing all of the relevant facts.