Hanford Nuclear Employee Dismisses Litigation Against Brush Wellman

CLEVELAND - December 19, 2001- Brush Wellman Inc. announced today that the U.S. District Court for the Eastern District of Washington has granted the plaintiff's motion for dismissal in Craig Hall v. Brush Wellman and Starmet Corp. The dismissal is the latest in a consecutive series of legal developments favorable to Brush Wellman that have involved occupational exposure to beryllium.

Craig Hall is an employee of the U.S. Department of Energy's (DOE) Hanford Nuclear Reservation. In an unopposed voluntary motion, Mr. Hall noted that he was dismissing his claims against both defendants with prejudice to pursue federal benefits under the DOE's Energy Employees Occupational Illness Compensation Program (EEOICP).

The EEOICP provides benefits for eligible employees affected by chronic beryllium disease (CBD) and other illnesses such as silicosis and radiation-induced cancer. In July, the government began making tax-free $150,000 compensation payments to qualifying workers affected by CBD while working for the DOE, certain vendors or subcontractors throughout the nuclear weapons program.

Less than two weeks before the Hall case was dismissed, Brush Wellman received a favorable decision in a similar case in Arizona. In Gamez v. Brush Wellman, the Arizona Court of Appeals affirmed the Superior Court's 1999 grant of summary judgement. The plaintiff in that case was Rudy Gamez, a former employee of Brush Wellman's ceramics facility in Tucson. Gamez v. Brush Wellman was initially filed in June 1996. Mr. Gamez alleged willful misconduct, breach of contract and bad faith in connection with his employment-related exposure to beryllium particulate at the company's Tucson facility.

Courts in Colorado, Tennessee and California have also ruled in favor of Brush Wellman in similar cases heard previously.

In a statement, Brush Wellman said, "Each of these decisions, whether made by juries or judges, involved similar issues and resulted in the same conclusions. With the precedent these decisions set, other plaintiffs need to reassess the strength of their claims."

Instead, the company stated that the EEOICP provides a more expedient and certain benefit for eligible employees affected by CBD and other illnesses.

Brush Wellman continues to work to end CBD and to minimize the risk to its workers and customers. The company remains steadfastly committed to this objective while ensuring that the substantial benefits from using beryllium products remain available to society.

Brush Wellman Inc. is a wholly owned subsidiary of Brush Engineered Materials Inc. (NYSE: BW). Brush Engineered Materials Inc. is headquartered in Cleveland. The company, through its wholly owned subsidiaries, supplies worldwide markets with beryllium products, alloy products, electronic products, precious metal products, and engineered material systems.

NOTE TO EDITORS: Following is a summary of the Brush Wellman litigation mentioned in the above press release.

Summary of Workplace-Related Litigation Decided in favor of Brush Wellman Inc. and voluntarily dismissed by plaintiffs

Judges and juries in a number of states have consistently ruled for Brush Wellman in cases involving workers exposed to beryllium particulate at Brush Wellman or contractor facilities.

Craig Hall v. Brush Wellman and Starmet Corporation

Dismissed in favor of Brush Wellman October 18, 2001, in the U.S. District Court for the Eastern District of Washington. U.S. District Judge Edward F. Shea granted Craig Hall's Voluntary Motion for Dismissal so, as stated in the motion, Mr. Hall could pursue federal benefits under the Energy Employees Occupational Illness Compensation Program, EEOICP.
The suit was filed in 1999 by Mr. Hall, an electrician since 1981 at the Hanford Nuclear Reservation, a U.S. Department of Energy (DOE)-owned and contractor operated facility. Mr. Hall alleged he became ill from working around fuel production operations involving beryllium-containing products. Mr. Hall initially sued Brush Wellman only, but later joined Starmet Corporation as a defendant when he discovered that Starmet's predecessor made the beryllium-containing products he worked around.

**Gamez v. Brush Wellman Inc.**

Decided in favor of Brush Wellman September 27, 2001 in the Arizona Court of Appeals.

The Arizona appellate court affirmed the Superior Court's June 1999 granting of the company's motion for summary judgement in Pima County. The trial court case was originally filed in September 1996.

The plaintiffs alleged willful misconduct, breach of contract and bad faith in connection with Mr. Gamez's employment-related exposure to beryllium particulate at Brush Wellman's Tucson, Arizona production facility.

**Troy Murphy Morgan, et al. v. Brush Wellman Inc., et al.**


The suit was filed in U.S. District Court in June 1994 by Mr. Morgan, three other plaintiffs, and two of their spouses. The plaintiffs alleged they had become ill from handling beryllium or beryllium-containing products while working for Union Carbide or Martin Marietta Energy Systems, contractors of the DOE's Oak Ridge, Tennessee facility.

In its motion filed with the court, Brush Wellman argued that:

- It was not responsible for health and safety of another company's employees.
- It had adequately warned the government's Oak Ridge contractors of the need to properly protect workers from known unsafe levels of respirable beryllium.
- Under Tennessee law, Oak Ridge contractors were "sophisticated users" and had the responsibility to provide proper safety and health programs to protect employees against workplace hazards.
- Products supplied by Brush Wellman were to government specification.
- The plaintiffs' "conspiracy theory" was not supportable.

**Michael D. Ballinger, et al. v. Brush Wellman Inc.**

Decided in favor of Brush Wellman on June 26, 2001 by a unanimous jury in Jefferson County, Colorado District Court.

The plaintiffs, who initially filed their case in November 1996, alleged they had become ill from handling beryllium or beryllium-containing products while working for Dow Chemical or Rockwell, contractors of the DOE's former Rocky Flats, Colorado facility.

In a three-week trial covered by national news media, Brush Wellman argued that it had adequately warned the government's Rocky Flats contractors of the need to properly protect workers from known unsafe levels of beryllium particulate. The verdict also exonerated Brush Wellman of the unsupported "conspiracy" theory the plaintiffs' attorneys advanced when they were not successful in challenging the company's record of hazard communication and product labeling. This "conspiracy" theory was also rejected in an earlier determination by the U.S. Government Accounting Office.

On September 5, the Jefferson County District Court denied the plaintiffs' motion for a new trial.

**Donald Polensky v. Brush Wellman Inc.**

Jury verdict for Brush Wellman March 19, 1993. The judge in the case had previously dismissed the plaintiff's punitive damage claim.

The suit was filed in Superior Court of Orange County, California in January 1990. Mr. Polensky, the plaintiff, was a ceramics engineer employed by Ceradyne, Inc. The plaintiff alleged that Brush Wellman's warnings were inadequate and that Brush Wellman understated the risk of handling beryllium ceramic pieces.