



## Latest Court Decision Again Favors Brush Wellman Inc.

CLEVELAND, Dec 17, 2002 (BUSINESS WIRE) --

Legal claims alleging Brush Wellman Inc. misinformed workers about the hazards of working with beryllium remain unconvincing to judges and juries around the country, raising the prospect that the company may soon clear most of its current litigation caseload.

Brush Wellman's latest courtroom victory came from one of the most challenging legal venues in the country. In November, a jury in a California superior court decided for the company in the case of Colyer v. Brush Wellman. The 12-person jury returned a unanimous verdict for Brush Wellman, finding that it was not negligent, that there was no defect in the company's product or warnings, and that it did not conceal or suppress information about the known occupational risks of working with beryllium.

That decision followed closely on a unanimous ruling handed down in October by a three-judge panel in the Ohio Court of Appeals, Eighth District, which upheld a Cuyahoga County trial court's summary judgment in favor of the company (Renwand v. Brush Wellman Inc.). The appellate court ruling emphatically recognized Brush's safety precautions and noted that the company "... did not disregard the safety of its employees and worked diligently to protect its employees from CBD (chronic beryllium disease)," a serious lung disorder.

During the same month, the Cuyahoga County Court of Common Pleas granted Brush Wellman's motion for summary judgment in the case of David Norgard v. Brush Wellman Inc. Other cases in Colorado and Arizona similarly have been found in favor of the company.

Commenting on the recent court decisions, John J. Pallam, Vice President, General Counsel, noted, "It's very gratifying to have the courts recognize the work we've done in vigorously trying to protect our employees and the workers of our customers -- everything from the advisories we distribute, to the product warning labels, to the independent research we fund. We have consistently stated that we were not negligent in those unfortunate situations where CBD did occur and these decisions have confirmed that. This is a far cry from the sensational claims put forth by plaintiffs' lawyers and it only reinforces our determination to continue to challenge any such claims in the future."

Brush Wellman is the industry's leading supplier of beryllium, a lightweight, specialty metal used in critical applications including auto air bag sensors, telecommunications equipment and devices, fire extinguisher sprinkler heads, x-ray windows for mammography, medical laser bores, pacemakers, landing-gear bearings, GOES satellites for severe weather forecasting, and military applications including missile defense systems, and optical and advanced targeting systems on tanks, planes and helicopters.

In manufacturing operations, some workers who are exposed to beryllium-containing dust, fume or mist and subsequently demonstrate sensitivity to beryllium can develop CBD. Most individuals exposed to airborne beryllium particulate will not develop sensitization to beryllium or contract CBD.

Brush Wellman has been a leader in the fight to eradicate CBD from the workplace, but the exact cause of the disease continues to elude researchers, including nationally recognized, independent experts working throughout the country and with the federal government.

In July, Brush reached a settlement agreement involving nearly half of all the outstanding claims against the company related to CBD. With these latest court decisions, the company expects the remaining cases to be resolved quickly.

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.

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