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WLF Urges Pennsylvania Supreme Court to Rein In Excessive Noneconomic Damages Awards

(Gill v. Exxon Mobil Corp.)

“The jury’s eye-popping award of \$725.5 million in noneconomic damages underscores the need for Pennsylvania’s high court to supply the lower courts with due-process guardrails.”

—Cory Andrews, WLF General Counsel and Vice President for Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today joined a coalition of concerned amici on a brief asking the Pennsylvania Supreme Court to rein in excessive noneconomic damages awards.

The appeal arises from a suit by Paul Gill, a former gas station attendant, and his wife, who allege that ExxonMobil’s failure to warn of the cancer-causing risks of benzene in its gasoline caused Gill to develop cancer. Gill was exposed to benzene while working at a Mobil service station in Philadelphia from 1975 to 1980. In May 2024, a Philadelphia jury awarded the Gills \$725.5 million, including \$725 million for Paul’s pain and suffering and \$500,000 for his wife, finding ExxonMobil solely liable for negligence among multiple defendants. The verdict was the largest in a benzene exposure case.

In the brief to the Pennsylvania Supreme Court, amici argue that the jury’s oversized award, lacking punitive or economic damages, exemplifies a troubling trend of excessive noneconomic damages awards in Pennsylvania. These awards raise due process concerns given their subjective and arbitrary nature. The amicus brief urges the high court to clarify judicial review standards. Those standards should include a balanced evidence assessment, greater scrutiny of subjective testimony, and comparisons to similar verdicts to ensure awards are rational and compensatory, not punitive. The brief also emphasizes the need to mitigate social costs like increased consumer prices.

The coalition’s amicus brief was prepared by Robert M. Palumbos and Ryan F. Monahan of Duane Morris LLP. WLF enjoyed substantial pro bono assistance on the case from Nicholas Vari of K&L Gates.

Celebrating its 48th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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