NOT FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2012 CA 1323

ROGER AND DIANNE CROWE, JAMES AND ERICA SPANO, DARLENE WOODS, AND DERRICK C. GUYOT

VERSUS

PEARL RIVER POLYMERS, INC, RICH ROSENKOETTER AND CHEMINEER, INC.

Consolidated with

2012 CA 1324

MAJORIE TOALSON AND JACKIE RAGSDALE, INDIVIDUALLY, AND ON BEHALF OF HER MINOR DAUGHTER, KATELYN RAGSDALE, ET AL.

VERSUS

PEARL RIVER POLYMERS, INC., AND RICH ROSENKOETTER

McDONALD J CONCURS & DISSENTS IN PART & WILL ASSIGN REASONS BY [illegible]

Consolidated with

2012 CA 1325

JOHN CAPPS, SR. AND JOHN CAPPS, JR.

VERSUS

PEARL RIVER POLYMERS, INC. AND RICH ROSENKOETTER

Consolidated with

2012 CA 1326

ROBERT PICKENS, SHIRLEY PICKENS, CYNTHIA VICTOR, BARON VICTOR, SR., AND STEPHANIE PRICE

VERSUS

PEARL RIVER POLYMERS, INC., RICH ROSENKOETTER AND ABC INSURANCE COMPANY

Consolidated with

2012 CA 1327

FLOYD WILLIAMS, CRYSTAL WILLIAMS, GEORGE SINGLETARY, MARGIE SINGLETARY, GREGORY WEISCOFF, EDDIE GUITERREZ, ET AL.

VERSUS

PEARL RIVER POLYMERS, INC., AND RICH ROSENKOETTER

Consolidated with

2012 CA 1328

DELORES GREEN, TOMMIE ROSCOE, JR., FANNIE SMITH, KATHERINE HOPKINS, TROY RILEY, ET AL.

VERSUS

PEARL RIVER POLYMERS, INC., RICH ROSENKOETTER AND CHEMINEER, INC.

Consolidated with

2012 CA 1329

DONNA BLACKWELL, INDIVIDUALLY AND O/B/O THE MINOR, STACEY BLACKWELL, ET AL.

VERSUS

PEARL RIVER POLYMERS, INC., RICH ROSENKOETTER AND CHEMINEER, INC.

Consolidated with

2012 CA 1330

KEITHA BRAUCKHOFF, MICHAEL BRAUCKHOFF, ROBERT FACIANE, REVERAND HENRY GAINES, ET AL.

VERSUS

PEARL RIVER POLYMERS, INC., RICH ROSENKOETTER AND CHEMINEER, INC.

Consolidated with

2012 CA 1331

GRETA BATISTE, JEROME BATISTE, SR., INDIVIDUALLY AND ON BEHALF OF HIS MINOR CHILD, BRANDON BALANCIER, ET AL.

VERSUS

PEARL RIVER POLYMERS, INC., RICH ROSENKOETTER AND CHEMINEER, INC.

Consolidated with

2012 CA 1332

ELAINE ACKER, ET AL.

VERSUS

PEARL RIVER POLYMERS, INC. AND CHEMINEER, INC.

Consolidated with

2012 CA 1333

ELAINE ACKER, GROVER ACKER, JOHN F. ACKER, LEONARD ACKER, CHRISTINE E. ADAMS, KELLY ADOLPH, ET AL.

VERSUS

PEARL RIVER POLYMERS, INC. AND CHEMINEER, INC.

Judgment Rendered: DEC 30 2014

* * * * * * *

APPEALED FROM THE TWENTY-SECOND JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF ST. TAMMANY
STATE OF LOUISIANA
DOCKET NUMBERS 99-14413, CONSOLIDATED WITH
99-14636, 99-14695, 2000-12992, 2000-14693, 2004-10028, 2004-12367,
2004-12441, 2004-12755, 2005-10949, 2009-13552, AND 2003-14090

HONORABLE WILLIAM J. CRAIN, JUDGE

* * * * * * *

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(on behalf of her minor daughter
Katelyn Ragsdale)

BEFORE: KUHN, PETTIGREW, AND McDONALD, JJ.

Disposition: **AMENDED IN PART AND, AS AMENDED, AFFIRMED.**

KUHN, J.

This case is a mass tort action resulting from chemical emissions. For the following reasons, the judgment is amended in part and, as amended, is affirmed.

FACTS AND PROCEDURAL HISTORY

Beginning at 6:22 p.m. on October 15, 1999, the first of two chemical emissions was released by Pearl River Polymers, Inc., (PRP) a chemical plant located in Pearl River, Louisiana. A second chemical emission followed shortly thereafter.

On October 18, 1999, a class action petition was filed in the Twenty-Second Judicial District Court on behalf of certain persons and other persons similarly situated, alleging that the chemical emissions caused direct and/or consequential injury and damage to a large number of people. PRP, the owner of the plant, and Rich Rosenkoetter, the PRP plant manager at the time of the incident, were named as defendants. Subsequently, Chemineer, Inc. was added by plaintiffs as an additional defendant. After hearing plaintiffs' motion to certify a class action, the court found that ordinary proceedings, consolidated as provided by law, would be an effective and efficient means for adjudication of the controversy, and class certification was denied.

After various procedural motions and exceptions, the defendants eventually stipulated to liability, reserving the issue of fault allocation between them. For trial purposes, counsel for the plaintiffs and counsel for the defendants agreed to choose ten plaintiffs each for submission to the court as "bellwether" plaintiffs. Designated for trial by the plaintiffs were: Ronald Carver; Joy Nesbit; Briana J. Spano, a minor, through her mother, Erica Spano; Roger D. Crowe;[1] Felton J. Lathen; Roselee Dumas; Keitha Marie Brauckhoff; Michael Brauckhoff; Marjorie

[1] The record contains various spellings of Mr. Crowe's given name; for the sake of consistency, we have used "Roger" in this opinion.

Toalson; and Katelyn Ragsdale, a minor. The defendants, PRP and Chemineer, Inc., filed a joint designation of bellwether plaintiffs as follows: Francisco Bullock, Kenneth Cooper, Gerald Craddock, Larry Edmondson, Janeiro Johnson, Sherman Jordan, Ottis Mitchell, Alberta Taylor, Stanley Weiskopf, Jr., and Samuel Michael Ferguson. The plaintiffs later filed a motion to substitute Darlene Woods as a plaintiff, and the trial court signed an order so providing.[2]

Trial of the claims of seventeen of the original twenty[3] bellwether plaintiffs was held from August 9, 2010 to August 13, 2010.[4] Although the defendants, PRP and Chemineer, Inc., stipulated to negligence, reserving the right to a determination of fault allocation, they did not stipulate to causation for any alleged damages. The plaintiffs also stipulated that their damages were less than the jury threshold for each plaintiff.

There was evidence from both the plaintiffs' and the defendants' experts that allyl chloride (AC) was the compound released during the emissions with the potential for adverse effects from exposure.[5] There was also agreement that there were two emissions, the first lasted for approximately 90 seconds and began about 6:22 p.m., and a second, residual release that lasted approximately ninety minutes, ending about 7:52 p.m. The plaintiffs' and the defendants' respective experts disagreed sharply, however, on other pertinent points.

After taking the matter under advisement, the trial court issued twenty-seven pages of detailed reasons for judgment on August 10, 2011. The court found that the chemical release resulted in the release of AC and DMAA into the atmosphere

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[2] Ms. Woods was substituted as a plaintiff in place of Michael Brauckhoff.

[3] The claims of plaintiffs, Kenneth Cooper, Alberta Taylor, and Stanley Weiskopf, Jr., were dismissed prior to trial.

[4] This matter was initially presided over by Judge Larry Green, who was the judge assigned to Division G in the Twenty-Second Judicial District. Judge William J. Crain presided over the trial and subsequent proceedings, as he was the Division G judge at that time.

[5] Dimethylallymine (DMAA) was also released, but in much less quantities than the release of AC.

in two phases, one lasting ninety 90 seconds and one lasting 90 minutes. The chemicals were released in different quantities and mixtures. However, the trial court found that harmful levels of AC totaling at least two parts per million were released. The trial court noted that although both the plaintiffs' and the defendants' air modeling experts attempted to modify their input data to arrive at more accurate predictions of the chemical dispersion path, they acknowledged that the chemical dispersion modeling opinions could be wrong up to fifty percent of the time.

Further, even though the drawing of an exposure zone diagram is an imprecise process that may result in some claims being excluded because the claimants were on the wrong side of an imaginary line, the trial court noted that such a line needed to be drawn in the instant cases to define an exposure zone. After considering the data presented by the experts, the trial court decided that the exposure zone should be defined as 2.9 miles from the site of the release to the west, northwest, south, and southwest. The trial court found that the evidence did not support a finding that the chemicals were dispersed in an easterly direction, although the plaintiffs' expert maintained that it did. The trial court also defined a high concentration zone within the exposure zone that extended 1.5 miles from the site of the release to the west, northwest, south, and southwest.

Further, the trial court found that those plaintiffs whose only alleged exposure occurred at locations outside the 2.9 mile exposure zone failed to meet their burden of proving exposure to harmful levels of chemicals. The plaintiffs within the 2.9 mile exposure zone bore the burden of proving exposure to harmful levels of AC and that their symptoms and injuries were caused by the chemical exposure.

Relative to general causation, the trial court found that a person exposed within the exposure zone could experience irritant symptoms. Symptoms could include nausea, vomiting, and irritation of the eyes, nose, mouth, upper respiratory

system, and skin. While these expected symptoms would be mild and transient, lasting anywhere from minutes to days in most people, the trial court determined that persons with hypersensitivity and preexisting conditions might react differently from the norm.

The trial court carefully reviewed the particular facts concerning each plaintiff. Before rendering a decision on damages, the trial court considered where each person was located at the relevant times, their symptoms, whether they sought medical attention, the dates of treatment, and any preexisting conditions that would make them more susceptible to reaction from the exposure. Utilizing these specific findings, as well as the findings of fact it made in common to all the plaintiffs, the trial court determined that: Roger Crowe, Briana Spano, Darlene Woods, Joy Nesbit, Larry Edmondson, Ottis Mitchell, Ronald Carver, Katelyn Ragsdale, and Gerald Craddock were in the exposure zone, specifically the high concentration zone; they were exposed to chemicals released from PRP; they suffered symptoms of a mild and transient nature consistent with such exposure; those symptoms were, in fact, related to the exposure; and they were entitled to damages. Additionally, the trial court found that the same facts applied to Marjorie Toalson, but that her symptoms were worse because of an aggravation of her preexisting conditions.

Based on these findings, the court made the following damage awards:

Roger Crowe	
(1) Pain and suffering, mental and physical	$ 5,500.00
(2) Medical expenses	$ 1,125.00
(3) Pharmacy expenses	$ 255.64
(4) Property damage (clean-up costs)	$ 3,450.00
TOTAL	$10,330.64
Briana Spano	
(1) Pain and suffering, mental and physical	$ 500.00
(2) Medical expenses	$ 455.00
TOTAL	$ 955.00
Darlene Woods	
(1) Pain and suffering, mental and physical	$ 10,000.00
(2) Medical expenses	$ 1,455.49

(3) Pharmacy expenses	$ 311.36
(4) Lost earnings	$ 540.00
TOTAL	$ 12,306.85

Joy Nesbit

(1) Pain and suffering, mental and physical	$ 2,500.00
(2) Medical expenses	$ 1,107.20
(3) Pharmacy expenses	$ 37.90
(4) Evacuation expenses and inconvenience	$ 1,500.00
TOTAL	$ 5,145.10

Larry Edmondson

(1) Pain and suffering, mental and physical	$ 2,000.00
(2) Medical expenses	$ 755.40
(3) Evacuation expenses and inconvenience	$ 610.00
TOTAL	$ 3,365.40

Gerald Craddock

(1) Pain and suffering, mental and physical	$ 1,500.00
(2) Medical expenses	$ 1,013.00
TOTAL	$ 2,513.00

Ottis Mitchell

(1) Pain and suffering, mental and physical	$ 500.00
(2) Medical expenses	$ 375.00
TOTAL	$ 875.00

Ronald Carver

(1) Pain and suffering, mental and physical	$ 250.00
TOTAL	$ 250.00

Marjorie Toalson

(1) Pain and suffering, mental and physical	$ 15,000.00
(2) Medical expenses	$ 9,303.17
(3) Property damage	$ 1,600.00
(4) Evacuation expenses and inconvenience	$ 500.00
TOTAL	$ 26,403.17

Katelyn Ragsdale

(1) Pain and suffering, mental and physical	$ 1,500.00
(2) Medical expenses	$ 280.84
TOTAL	$ 1,780.84

Additionally, the trial court denied the claims of plaintiffs, Sherman Jordan, Sam Ferguson, Roselee Dumas, Keitha Marie Brauckhoff, and Jamerion Johnson, finding that they were not in the exposure zone at the time of the chemical releases and failed to prove sufficient chemical exposure to causally relate their symptoms to the chemical releases. The trial court further concluded that plaintiff, Felton

Lathen, was in the exposure zone, specifically in the high concentration zone; that he was exposed to chemicals released from PRP; that he suffered symptoms of a mild and transient nature that could be consistent with such exposure; but that he failed to meet his burden of proving that his symptoms were, in fact, related to the chemical exposure. Therefore, Mr. Lathen's claim was denied. Additionally, the trial court found that plaintiff, Francisco Bullock, was in the high concentration zone, but that he did not experience any symptoms as a result of chemical exposure; therefore, he did not meet his burden of proof, and his claims were denied.

In accordance with its reasons for judgment, the trial court rendered a written judgment on August 10, 2011 against PRP, Rich Rosenkoetter[6], and Chemineer, Inc., jointly and in solido, and in favor of the ten plaintiffs named above, in the amounts shown above, and in favor of the defendants in the cases of the other seven plaintiffs named above whose claims were dismissed. The defendants appealed, as did fifteen of the plaintiffs. Ms. Toalson and Ms. Ragsdale later dismissed their appeals, leaving appeals by thirteen plaintiffs.[7]

On appeal, the defendants raise several assignments of error in which they complain that the trial court erred in: awarding excessive general damages for mild and transient health effects; in awarding property damages to a subsequent purchaser of the property; in awarding special damages without sufficient supporting evidence; in awarding damages to a plaintiff who failed to appear at trial; in failing to exclude certain "expert" testimony; and, in casting judgment against Mr. Rosenkoetter, who had been dismissed, with prejudice, prior to trial.

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[6] Although all claims against Richard Rosenkoetter were dismissed on the joint motion of the plaintiffs and the defendants prior to trial, the trial court judgment of August 10, 2011, casts him in judgment, together with PRP and Chemineer.

[7] Those plaintiffs were Roger Crowe, Briana Spano, Darlene Woods, Joy Nesbit, Sherman Jordan, Felton Lathen, Larry Edmondson, Samuel Ferguson, Gerald Craddock, Ottis Mitchell, Francisco Bullock, Roselee Dumas, and Ronald Carver.

The plaintiffs asserted numerous assignments of error, alleging that the trial court erred in: setting the parameters both of the general chemical exposure zone and the high concentration zone; awarding inadequate damages for mental and physical pain and suffering to various plaintiffs; failing to award full medical expenses (including pharmacy expenses) to various plaintiffs; failing to award property damages for the loss of livestock and catfish; failing to award lost rentals; awarding inadequate damages for evacuation and inconvenience to various plaintiffs; and, finding that certain plaintiffs were not in the exposure zone and/or did not prove that their symptoms were related to the chemical emissions.

DISCUSSION

As previously mentioned, the trial court provided twenty-seven pages of detailed, thorough reasons for judgment. Each of the seventeen plaintiffs' situations was thoroughly examined in determining if he/she was entitled to any damages, and if so, the amount. In our review of the circumstances pertaining to each plaintiff, we are mindful of the applicable standard of review. General damages involve mental or physical pain or suffering, inconvenience, loss of gratification or intellectual or physical enjoyment, or other losses of lifestyle that cannot be measured definitively in terms of money. *Boudreaux v. Farmer*, 604 So.2d 641, 654 (La. App. 1st Cir.), writs denied, 605 So.2d 1373, 1374 (La. 1992). The factors to be considered in assessing quantum of damages for pain and suffering are severity and duration. *Jenkins v. State ex rel. Dep't of Transp. and Dev.*, 06-1804 (La. App. 1st Cir. 8/19/08), 993 So.2d 749, 767, writ denied, 08-2471 (La. 12/19/08), 996 So.2d 1133. Special damages are those that refer to specific expenses that may be quantified and that arose because of the defendant's behavior. See *Pirtle v. Allstate Ins. Co.*, 11-1063 (La. App. 1st Cir. 5/4/12), 92 So.3d 1064, 1067, writ denied, 12-1268 (La. 9/28/12), 98 So.3d 839.

Much discretion is left to the judge or jury in the assessment of general damages. La. C.C. art. 2324.1. In reviewing a general damage award, a court does not review a particular item in isolation; rather, the entire damage award is reviewed for an abuse of discretion. *Smith v. Goetzman*, 97-0968 (La. App. 1st Cir. 9/25/98), 720 So.2d 39, 48. The standard of review for special damages is manifest error or clearly wrong. *Kaiser v. Hardin*, 06-2092 (La. 4/11/07), 953 So.2d 802, 810. Thus, we will examine each award or refusal to make a general damage award for an abuse of discretion and each award or refusal to make a special damage award for manifest error.

We have carefully examined the arguments of both the plaintiffs and the defendants regarding each of the alleged errors in the general and special damage awards made by the trial court, as well as the trial court's refusal to award any damages to particular plaintiffs and/or to award certain types of damages to other plaintiffs. In considering each of the alleged errors, we have individually considered the claims of the defendants and the plaintiffs, giving particular attention to each plaintiff's proximity to the release site; the evidence of his/her symptoms; the nature and duration of the symptoms; the medical treatment and diagnosis received; and, whether each plaintiff was required to evacuate from his/her home. Based on our review of the entire record, as well as the trial court's detailed reasons for judgment, we find no manifest error in the factual findings made by the trial court relative to its quantum determinations, including its determinations as to which plaintiffs sustained damages from the chemical release and/or the types of damages suffered. Further, we find no abuse of the trial court's broad discretion in the general damages awards made.[8] Our review also revealed

[8] In reaching this conclusion, we are mindful of the holding of the Louisiana Supreme Court in *Howard v. Union Carbide Corp.*, 09-2750 (La. 10/1910), 50 So.3d 1251, 1256, which does not, however, establish a bright line rule for evaluating this type of chemical exposure case. Rather, we believe the *Howard* court only confirmed a common sense approach to determining quantum in such occurrences.

no manifest error either in the special damages awards made by the trial court, other than in the medical expenses awards made to Darlene Woods, Joy Nesbit, and Briana Spano, or in the trial court's refusal to award special damages sought by particular plaintiffs.

In awarding medical expenses to Ms. Woods, the trial court disallowed charges for two visits to a dermatologist. However, considering that the trial court found there was a correlation between the chemical exposure and the rash problems Ms. Woods suffered through December 1999, the trial court erred in excluding these charges, which totaled $80.00. Accordingly, Ms. Woods' award for medical expenses will be amended to increase it from $1,455.49 to $1,535.49.

Further, there is merit in Ms. Nesbit's contention that the trial court erred in not awarding all of her actual medical expenses. Therefore, her award for medical expenses will be increased from $1,107.20 to $1,543.20, the actual amount of her medical expenses.[9]

With respect to the $455.00 award for medical expenses made on behalf of Briana Spano, the trial court did not specify how it calculated that award. It appears from our review, however, that the court may have only allowed recovery for her first two visits to Dr. Paul Reyes, a finding in which we find no manifest error. Nevertheless, since the costs of those two visits totaled $450.00, we will amend the medical expenses award made on behalf of Briana Spano to correct the apparent mathematical error by reducing the award from $455.00 to $450.00.

Finally, we find no merit in the defendants' argument that the trial court erred in not excluding the expert testimony of Dr. Reyes. In Louisiana, admissibility of expert testimony is governed by La. C.E. art. 702, which provides:

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[9] Ms. Nesbit's medical expenses constituted of $428.20 for NorthShore Regional Medical Center, $205.00 for the emergency room physicians, $375.00 for Dr. Reyes, $45.00 for the office visit to her optometrist Dr. Sol Heiman, and $390.00 new contact lenses, for a total of $1,543.20.

> A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:
>
> (1) The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
>
> (2) The testimony is based on sufficient facts or data;
>
> (3) The testimony is the product of reliable principles and methods; and
>
> (4) The expert has reliably applied the principles and methods to the facts of the case.

A trial court is accorded broad discretion in determining whether expert testimony should be admissible and who should or should not be permitted to testify as an expert. Whether a witness meets the qualifications of an expert witness and the competency of the expert witness to testify in specialized areas is within the discretion of the trial court. A trial court's decision to qualify an expert will not be overturned absent an abuse of discretion. *Cheairs v. State ex rel. Department of Transportation & Development*, 03-0680 (La. 12/3/03), 861 So.2d 536, 541, citing *State v. Castleberry,* 98-1388 (La. 4/13/99), 758 So.2d 749, 776.

In ruling that Dr. Reyes' expert testimony was admissible, the trial court gave the following reasons:

> The court finds that Dr. Reye's [sic] opinions require scientific, technical, or other specialized knowledge. The court further finds that Dr. Reyes' knowledge, skill, experience, training and education qualify him as an expert to render causation opinions in this case. The information which Dr. Reyes has relied upon is the type typically relied upon by doctors in rendering causation opinions ... such testimony is subject to being tested by vigorous cross-examination and presentation of contrary evidence. After weighing and evaluating all the evidence at trial, the court can then either accept or reject the opinions expressed by Dr. Reyes....
>
> ...The court finds that the methods used by Dr. Reyes in reaching his opinions on causation in this case are sufficiently reliable to meet the standards established in Daubert[10] and Foret.[11] Therefore, the court

[10] *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993).
[11] *State v. Foret*, 628 So.2d 1116 (La. 1993).

> will allow Dr. Reye's [sic] opinions to be admitted and will then determine their evidentiary weight. [Vol.12, pp. 2951-52]

In the instant matter, there is no question that AC was a chemical released in the emissions at issue. There also is no dispute that exposure to AC can cause eye irritation, skin irritation, and nose, throat, and respiratory tract irritation, which may include shortness of breath and coughing, and that extreme or prolonged exposure to AC may also cause liver, kidney, lung, and nerve damage. We do not find that Dr. Reyes' testimony was in furtherance of a methodology or scientific theory.[12] As the trial court concluded, Dr. Reyes' testimony related to his objective findings after a physical examination of each patient and assumptions based on the history that each provided to him, along with the diagnostic tests that he ordered. Dr. Reyes was testifying as the respective patients' treating physician. His testimony was subject to cross-examination on the delays that occurred between the chemical emissions and the time he saw the patients, the fact that most of the patients were seen on referrals from their attorney, and his lack of information about the amount of the releases. Under the circumstances, we find no abuse of discretion in the trial court ruling admitting Dr. Reyes' expert testimony.

Lastly, there is merit in the defendants' contention that the trial court erred in casting judgment against Richard Rosenkoetter. Prior to trial, the plaintiffs and the defendants filed a joint motion to dismiss with prejudice all claims against Richard Rosenkoetter, and on January 8, 2010,[13] the trial court signed a judgment dismissing all claims against him. Accordingly, the trial court erred in rendering judgment against Mr. Rosenkoetter, since he was no longer a party in this matter at

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[12] Significantly, *Daubert* only addressed the issue of the reliability of an expert's methodology and not the qualifications and competency of the expert as required by La. C.E. art. 703. See *Cheairs,* 861 So.2d at 538 & 541.

[13] There is evidently a typographical error on the date of this judgment. Although the judgment actually bears the date of January 8, 2009, it is stamp-filed by the clerk of court's office on January 8, 2010, and the attorney's certificate of service is dated January 8, 2010. Therefore, the actual date of the judgment clearly should be January 8, 2010, rather than January 8, 2009.

the time of judgment. The trial court judgment will be amended to correct this error.

CONCLUSION

For the above reasons, the judgment of the trial court is amended in the following respects:

The portion of the judgment providing that judgment be rendered against PRP, Chemineer, and Richard Rosenkoetter is hereby amended to provide that judgment is rendered only against PRP and Chemineer, all claims against Richard Rosenkoetter having been dismissed prior to trial;

The portion of the judgment rendered in favor of plaintiff, Darlene Woods, and against defendants, PRP and Chemineer, jointly and in solido, awarding her medical expenses in the amount of $1,455.49 is hereby amended to increase that award to $1,535.49, resulting in a total award to Ms. Woods of $12,386.85;

The portion of the judgment rendered in favor of plaintiff, Joy Nesbit, and against defendants, PRP and Chemineer, jointly and in solido, awarding her medical expenses in the amount of $1,107.20 is hereby amended to increase that award to $1,443.20, resulting in a total award to Ms. Woods of $5,481.10;

The portion of the judgment rendered on behalf of plaintiff, Briana Spano, and against defendants, PRP and Chemineer, jointly and in solido, awarding her medical expenses in the amount of $455.00 is hereby amended to reduce that award to $450.00, resulting in a total award to Ms. Woods of $950.00.

The judgment of the trial court is affirmed in all other respects. The costs of this appeal are assessed one-half to plaintiffs, Roger Crowe, Briana Spano, Darlene Woods, Joy Nesbit, Sherman Jordan, Felton Lathen, Larry Edmondson, Samuel Ferguson, Gerald Craddock, Ottis Mitchell, Francisco Bullock, Roselee Dumas, and Ronald Carver, and one-half to defendants, PRP and Chemineer.

AMENDED IN PART AND, AS AMENDED, AFFIRMED.