

Know Your Limits

presented by CSI Insurance Brokers

Your Monthly Wrap-up of **Mid-market Business Losses**

March 2022

Two Veterans Awarded \$55 Million Each Over Defective Earplugs

Product Liability

A Florida jury has awarded two veterans \$55 million each in damages over defective earplugs. The manufacturing company must pay out \$110 million—a sum twice the size of all other earplug-related rulings combined—in compensatory and punitive damages after the jury decided the company was to blame for the veterans' hearing loss. Over 250,000 veterans and military personnel have filed claims alleging they suffered hearing loss while wearing the company's earplugs.

School District Offers \$34 Million in Settlement to Students, Teachers and Parents

Liability

The Monroe School District northeast of Seattle, Washington, offered a \$34 million settlement to students, teachers and parents exposed to toxic chemicals that were present for at least eight years on a public school campus. Records show that the school district was slow to clear out toxic materials from the campus, even as pressure from parents and staff escalated and dozens reported illnesses, including cancers, brain damage, hormonal problems and skin conditions. The lawsuits were filed by more than 200 parents, teachers and students.

Vail Resorts Offers \$13 Million to Settle Class Action Wage and Labor Lawsuits

Employment Practices Liability

Vail Resorts has offered \$13.1 million to settle five wage and labor lawsuits. The cases allege that Vail Resorts violated state and federal labor laws by failing to pay reimbursements for equipment and compensation for time staff spent training, in meetings, on meal breaks, getting on the mountain and gearing up before shifts. While Vail Resorts called the settlement offer "appropriate and fair," the plaintiffs' attorneys say they would have asked for more than \$13.1 million spread across a class of 100,000 people, in addition to policy changes.

Jury Awards \$6.5 Million in Lawsuit Against Cracker Barrel

Liability

A Tennessee jury awarded a local man more than \$6 million in a civil lawsuit against the local Cracker Barrel Old Country Store restaurant after he was served a corrosive chemical containing bleach in place of his ice water. The plaintiff immediately realized he had not ingested ice water but rather a chemical that caused a burning sensation in his mouth and esophagus, causing serious and permanent internal physical injury. While the jury awarded \$730,000 in economic damages, \$3.6 million in noneconomic damages and \$5 million in punitive damages, state law limits specific awards.