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Plaintiffs? Lawyer Says City Manager Misrepresented Facts Behind Lawsuit ^[1]

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By:

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Above: East Lansing's wastewater treatment plant in a photo taken in 2015.

Responding to ELi's special report ^[2] published last Thursday, the attorney representing workers suing the City of East Lansing over alleged exposure to mercury and asbestos at the wastewater treatment plant says the City Manager misrepresented key facts in the case.

The suit seeks unspecified damages for nine workers who say they were unjustly exposed to mercury and/or asbestos at the plant. We reported last week that the City's defense has already cost \$200,000 in legal expenses.

Asked for that report whether the City would settle, City Manager George Lahanas responded that he believes "the proper forum is the State of Michigan Workers' Compensation Agency and not Ingham County Circuit Court."

Lahanas also told ELi, "To date, none of the employees who are plaintiffs in this lawsuit have suffered any wage loss or needed medical care as a result of a work-related injury or illness. If and when that happens, the City will address each employee's case on an individual basis at the Workers' Compensation Agency."

But after reading our report, Neal Wilensky, attorney for the plaintiffs, told ELi that Lahanas's claim simply isn't true: "The City paid multiple workers that are part of the suit medical benefits for breathing complaints related to the exposure. Claims were filed in workers' comp - they were filed, disputed, and then paid, for breathing complaints related to exposure including asbestos and mercury."

Asked to explain the apparent discrepancy between his claim and what Wilensky says, Lahanas has not responded.

The City's defense in this case has rested on two arguments [3]: (1) that the City enjoys governmental immunity from this lawsuit, and (2) that there was not "intentional tort" - intentional harm.

Wilensky has argued that there was intentional harm, because, he says, the City knew of asbestos contamination that could - and, he says, *did* - harm workers and did nothing about it.

"They didn't communicate that study to the workers," Wilensky tells ELi, referring to a 2007 study commissioned [4] by the City. "They didn't protect or train them. The recommendations were to warn both workers and contractors that might come in, and to abate. They didn't do any of that. That's what it really comes down to."

The issues with asbestos at the plant came to the attention of other governmental agencies after a mercury spill occurred at the plant and was covered up [5] for four months. ELi's review of testimony [6] in the lawsuit showed the suit has focused on alleged inattention to worker safety among supervisors and administrators.

Asked for a comment on the apparent discrepancy between Lahanas's and Wilensky's claims, Mayor Mark Meadows also has not responded.

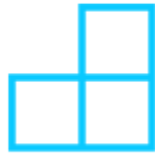
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