

FOR IMMEDIATE RELEASE

Miss. Supreme Court Allows Silicosis Case to Proceed to Trial

Jackson, Miss., February 2, 2012—The Mississippi Supreme Court has allowed an important silicosis case to proceed to trial in Claiborne County, ruling in favor of a Mississippi man with silicosis.

Charles Larry McGraw worked as a boilermaker at the Grand Gulf Nuclear Power Station and other workplaces throughout Mississippi. Mr. McGraw's appellate lawyer, David Neil McCarty, said that he was exposed to sandblasting in the workplace, and was ultimately diagnosed with progressive silicosis.

After retaining experienced silicosis trial counsel from The Smith Law Firm, PLLC, and Porter & Malouf, Mr. McGraw filed suit against the suppliers of the sand used in sandblasting.

After a trial against one set of defendants, Mr. McGraw sought to recover for his life-threatening injuries from other sand suppliers. The defendants included Lone Star Industries, Inc.; Specialty Sand Company; and Pearl Sands, Inc. The defendants objected and argued that Mr. McGraw failed to obtain the proper court approval to seek relief for his injuries. The Circuit Court of Claiborne County ruled for Mr. McGraw.

The Supreme Court agreed to hear the case, and in October of 2011 held oral argument in Jackson.

On Thursday, the Mississippi Supreme Court agreed with Mr. McGraw, and the case is now able to proceed towards trial in Claiborne County Circuit Court.

“We are extremely proud that the Mississippi Supreme Court recognized that the trial judge ruled correctly and allowed this case to move forward,” said Mr. McCarty. “It was clear at oral argument that the Court knew this case backwards and forwards. We are pleased that the Supreme Court overwhelmingly rejected the theories of the sand suppliers and found that Mr. McGraw's claims against the defendants were proper.”

OPINION AVAILABLE AT:

<http://courts.ms.gov/Images/HDList/..%5COpinions%5CCO74155.pdf>

About David Neil McCarty Law Firm, PLLC

David McCarty focuses his practice on civil and criminal appeals before the Mississippi Supreme Court, the Fifth Circuit Court of Appeals, and the Mississippi Court of Appeals.

In 2011 he achieved a landmark victory at the Fifth Circuit on behalf of former Supreme Court Presiding Justice Oliver E. Diaz, Jr., when the court declared that former U.S. Attorney Dunn Lampton was not immune to a lawsuit by the former judge. In 2009 he was part of the

legal team that obtained a partial reversal of the bribery conviction of former Circuit Judge John H. Whitfield. He has successfully represented many clients in civil and criminal appeals before the state and federal appeals courts.

Mr. McCarty serves as adjunct professor at Mississippi College School of Law for classes in Appellate Advocacy, Pretrial Practice, and Legal Writing. He is also admitted to the U.S. Supreme Court.

www.McCartyAppeals.com

About The Smith Law Firm, PLLC

Attorney R. Allen Smith has spent his entire legal career handling silicosis, mesothelioma, and other personal injury lawsuits. He regularly tries cases to verdict in Mississippi, and has obtained several verdicts in excess of \$1 million. He has successfully represented clients in many areas of the country, from Texas to South Dakota to Florida and Alabama.

www.smith-law.org/

About Porter & Malouf

Timothy Porter and Patrick Malouf are experienced trial advocates who represent Mississippians victimized by personal injury, medical negligence, and premises liability, and people suffering from silicosis and mesothelioma. They have achieved numerous multi-million dollars verdicts on behalf of clients.

www.portermalouf.com/

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