US EPA ARCHIVE DOCUMENT

Testimony of
Rebecca Smith

In the late sixties to the early eighties an oil recycling co. known as Dubose trucking was receiving wastes from over 100 companies at a site on Milton road in Walker, La. These wastes were dumped over the ground, injected into the ground, stored in pits and tanks, and burried in barrels all around the site.

In 1986 a class action lawsuit was started for the purpose of recovery of monetary awards for any and all damages including, but not limited to personal injury, fear of future illness, property damage, and punitive damages against the companies involved.

The lawyers listed on a seperate sheet were hired to represent the class in the matter of "Combustion Inc."

Early this year a settlement in the amount of $125 million dollars was reached.

12 catagories of illnesses were used to get this settlement.

Judge Richard Haik appointed Patrick Juneau as Special Master to come up with a formula and

distribute the money. In June we received a letter from the Special Master with an allocation amount. The letter stated that we could file an objection to the allocation amount with the Special Master. This letter stated that Judge Richard Haik would rule on the objections on August 15, 1997. About 1600 people filed objections.

We were also told that we could retain personal counsel to represent us in these matters.

Since our allocation amount did not even cover one hospital stay, we filed an objection. We felt that since we had at least 10 lawyers representing us that we were well represented and would not need to hire outside counsel.

Many other people involved in filing objections hired a lawyer by the name of Glenn Smith to help them with their objection.

We received a letter from the Special Master's office with an appointment to meet with him on July 30 at 1:00 p.m. to attempt to resolve our objection. The letter said to bring records to back up

our objection.

When we arrived at the Federal Courthouse in Baton Rouge, there were people who had been standing in extreme heat all morning. They had appointments at 9:00 A.M. We were told stories of People who stood in the heat for hours the day before, only to be treated extremely inhuman when they finally got into the Courthouse. W.A.F.B. T.V. 9 News has footage on this.

We were allowed into the Courthouse at about 1:30 p.m when someone mentioned calling the News. We waited in a room with very few chairs in a group of about 30 people for 2 hours. We were then told that Judge Haik would speak to us and then we would meet with the Special Master. We were brought into a Courtroom. After 2 more hours, during which we were entertained by "Court Jesters" who spoke of Judge Haik and the Special Master as if they were "Gods"!, Judge Haik came into the Courtroom.

He told us that the only way we would get more money was if there was a clerical mistake. He said "Anyone can make a mistake." He stated that even he had made a mistate "Once." He said that the Special Master would throw out our objection and that he would stand behind the Special Master because they were good friends and that's why he had appointed him to distribute the funds. He stated that if we did not withdraw our objection at this time, on the 15th of August when we came before him, he would throw out our objection as a "Frivolous Objection." He stated that we had the right to appeal his decision, but that it would do us no good to do so because "He" has enough influence on the Appellate Court to have our appeal overturned. He Then said. "I understand that some of you have retained Glenn Smith to represent you and some of you are planning to hire lawyers. I have issued an injunction against all outside lawyers in

this case. You can't even pay them out of your own pocket and they won't work for nothing." He then said, "Anyone who wishes to withdraw their objection can leave now." "Otherwise you can wait to see the Special Master" We waited to see the Special Master.

About an hour later our family was brought into a room. Two men who did not give their names came in with us. One of the men pointed to the other and said "He's here to represent you." Later into this session, judging from the horror stories from the day before we realized that the arrogant one must be Tom, the Special Master's assistant. My daughter said, "You must be Tom. We heard about you." He said "Yes I'm Tom. It was all good, I hope." We later asked around and found out that his name was Tom McClone. We never found out the name of the one who was suppose to represent us.

They did not ask to see the

records to back up our objection. We were told that the only thing we were being paid on was "How close we lived to the site and how long we lived there. They said that all medical except 3 rare forms of cancer had been thrown out. I asked about the 12 catagories of illness. Mr. McClone said. "Who started that rumor?" I said, "It's no rumor "Sir" It was written down in black and white and sent to us in a letter. The paper also printed it." He said, "Well I'm the one who drafted the 12 catagories, but I didn't think they had sent it out in a letter. We have dropped the 12 catagories. We later talked to a lady whose daughter had the 3 rare forms of cancer. She was allotted $250.00 (Not a mistake Two-hundred and fifty dollars) She was told that a docter would have to stake his medical license on the fact that the cancer came from that site. We also talked to a woman who was told that minor medical had been thrown out. People were lied to and told

whatever they thought would get them to withdraw their objection.

My daughter, "Ellen Ballard" noticed a map with our location near the site. She noticed that the marked spot on the map was not the place where we lived near the site. She called Tom McClone's attention to this. He said that this could make a difference since we actually lived closer to the site then the spot marked on the map. Then he said, "I can calculate the difference, but I tell you it won't make any difference because we are giving you $1,000 more then you were suppose to get. You were only suppossed to get $1,500, but we upped it to $2,500.

We then asked Mr. McClone "If they were only paying for how close you lived to the site and for how long" why was a woman we knew who never lived within the 2 mile radians getting twice as much money as people who lived right by the site? He said that he would take her name, but they would give her our name and

we had better be able to prove what we were saying or we would be turned in to the F.B.I. My daughter said that we could prove it, but she feared for her life if this woman knew we turned her in.

Then I told Mr. McClone that I did not think that I could release these chemical companies for $2,500 because of a real fear of future illness. The man who was suppose to be representing us had been agreeing with Mr. McClone all the way. He then said that releasing the chemical companies now would not interfere with future illinesses. We could sue them again if we got sick in the future. I said "Let me get this straight! We can't collect NOW for medecine, hospitals or illinesses that we already have, but if we develope more illinesses later on, we can sue and collect." Then Tom McClone jumpted up, got extremely red in the face and very angry. He said, "If you do not withdraw

your objection now, you will wait to see the Special Master no matter how long it takes and I can tell you it won't do you any good since I have already talked to you, He will throw your objection out as a "Frivolous Objection." It would be to your advantage to be satisfied with what you are getting. If you do not want it, there are a lot of churches who would be glad to have it.

Since Mr McClone's tone and demeaner were so threatining and we had been without food or anything to drink for the 8 hours we had been there, we agreed to withdraw our objection.

I must state here that Tom McClone treated us like criminals who were trying to steal his money. He used "Gustepo" tactics to strong-arm, threaten, and intimidate us into withdrawing our objection.

They weren't through with us yet. They herded us like criminals past the door that led to the outside like maybe

we would try to escape. There were armed agents gaurding this door. We were brought into a small room where we waited for anoter hour to sign a paper withdrawing our objection.

There were claiments in this room who were crying like they had just been through the biggest humiliation of their lives. There was a lady clearly in her 70's who you could tell had cancer and all she wanted was a place to take a nap. There was a lady with breast cancer who was allotted only $250.00 and she was put through this humiliation

Mr. Jim Breshears was one of the claiments who hired Glenn Smith to represent him with his objection. His appointment was August 5th. He met with Patrick Juneau and Judge Hair. He asked where was his lawyer, Glenn Smith? He was told that he had no lawyer. That if Glenn Smith came anywhere near the courthouse

he would be arrested. Mr Breshears gave Glenn Smith an affidavitt as did we and several others as to what went on in the meetings. When Mr. Breshears went before Judge Heik on the 15th of August the judge pulled out the affidavitt that Mr. Breshears had given Glenn Smith and proceded to read him out and call him a lie about what was said. Mr. Breshears. Objection was not mentioned.

Glenn Smith was brought to court and sanctioned. He still doesn't know why. Karen Holmes and Jim Breshears would know more about Glenn Smith since they hired him to represent them.

Every right we had as Americans as well as human beings was violated by the justice system sworn to protect our rights. The worst part of all this is that they enjoyed every minute of it. Otherwise Lawyers who were hired to represent us would not have snickered when women who could not have children

were up before the Judge in an American courtroom, having their Objection thrown out.