

Exxon Can't Escape \$816M Verdict In Benzene Exposure Suit

By **Lauren Berg**

Law360 (October 15, 2026, 8:23 PM EDT) -- Exxon Mobil Corp. cannot escape a nearly \$816 million judgment awarded to a service station mechanic who says his exposure to benzene in the oil giant's products was responsible for his leukemia, a Pennsylvania appellate court ruled Thursday.



Exxon Mobil Corp.'s appeal of a nearly \$816 million judgment failed to show the "trial court abused its discretion in any manner." (AP Photo/Mark Humphrey, File)

A majority of a three-judge Superior Court panel **affirmed** a Philadelphia court's order entering judgment in favor of Paul Gill and his wife for \$725.5 million — which **grew to \$815.8 million** with the addition of delay damages — saying in its opinion that Exxon didn't show that the "trial court abused its discretion in any manner."

Gill said in his 2020 complaint that he was exposed to high levels of benzene while using gasoline and solvents to clean car parts with his bare hands when he worked as a Mobil service station mechanic between 1974 and 1979. Gill, who was diagnosed with acute myeloid leukemia in 2019, said he wouldn't have done so had Mobil, which merged with Exxon in 1999, disclosed the levels of benzene in the products and the chemical's likely effect on his health.

During a seven-day trial, Gill's attorneys argued that Exxon had concealed information about benzene in its products that might otherwise have spurred businesses to use vapor recovery systems and respirators

to limit employees' exposure. The attorneys told the jury that the company had been aware of the chemical's dangers since at least 1950.

After deliberating for a day, the jury **awarded Gill \$725 million** and his wife \$500,000 in May 2024.

Exxon almost immediately sought a judgment notwithstanding the verdict, a new trial or a remittitur of the verdict. The company made a number of arguments, including that Gill failed to present evidence of a causal link between Mobil's gas and his damages, or that Mobil failed to warn him of a design defect in its gas. The company also argued that the total noneconomic damages award "was shockingly excessive to the trial court's conscience."

Meanwhile, the Gills moved to add delay damages to the verdict. The trial court in September 2024 granted their motion, adding \$91 million and bringing the total verdict to \$815.8 million, and denied Exxon's motion for post-trial relief as "meritless."

Exxon then argued on appeal that the Gills failed to prove that Mobil's gas included at least 2% benzene or "otherwise had a relatively 'high concentration'" of the chemical, meaning there was no evidence to support their expert's opinion that the benzene in Mobil's gas was a substantial factor contributing to Paul Gill's leukemia.

But the panel majority found on Thursday that because Exxon did not make this argument in its motion for post-trial relief, it failed to preserve it for appellate review.

Exxon's claim that the Gills' expert's opinion relied "on an unproven fact — i.e., that Mobil Oil's gasoline was 2% benzene — is an entirely new contention on appeal," the opinion said. "Exxon did not contend below that the 'trial record itself contains no evidence that Mobil gasoline had a benzene concentration of at least 2% or otherwise had a relatively 'high concentration' of benzene.'"

"Exxon may not make a new argument regarding causation for the first time on appeal," the opinion said. "Hence, we dismiss its novel argument as waived."

Similarly, Exxon failed to preserve its argument that the trial court was supposed to perform a proximate cause analysis before sending the case to the jury.

The company said there's no way the lower court could have found proximate causation between Exxon's conduct and "a disease that most often occurs without any known cause." But "by failing to present this argument to the trial court, Exxon deprived it of 'the opportunity to consider [this] potential appellate issue and correct any error at the first available opportunity,'" the opinion said.

As for Exxon's argument that the jury's award "goes far beyond the limits of fair and reasonable compensation," the panel majority said this "fails to appreciate our deferential standard of review for a trial court's decision not to award a new trial or remittitur based on a contention that a verdict is excessive."

Exxon's "argument invites us — not only to substitute our judgment as to what is excessive and conscious shocking for the judgment of the trial court — but also to substitute our view of the factual question of damages for that of jury," the majority said. "As a reviewing court, we may do neither."

In a partial **dissent**, Superior Court Judge Megan Sullivan disagreed with the majority's determination that Exxon didn't properly argue its claims that the trial court abused its discretion because the company didn't explicitly frame its appellate arguments based on the deferential standards of review of the trial court's decision.

"The majority correctly notes that portions of Exxon's argument implicate a request for a de novo reweighing of the evidence by this court," Judge Sullivan said. "Nevertheless, I would not conclude Exxon's failure to employ the term 'abuse of discretion,' or related phrases, in the argument portion of its brief was fatal to its request for, or this court's ability to conduct, meaningful appellate review."

"In my view, Exxon has stated a colorable argument that the trial court's denial of its post-trial motions on damages constituted an abuse of discretion," she said, noting that Exxon asserted the lower court's reasoning was unreasonable based on its application of the standards for reviewing the excessiveness of damages.

Chip Becker of Kline & Specter PC, an attorney for the Gills, said he and his clients are "gratified by the Superior Court's thoughtful and well-reasoned decision."

Counsel for Exxon did not immediately respond to a request for comment Thursday.

Superior Court Judges Deborah A. Kunselman, Carolyn H. Nichols and Megan Sullivan sat on the panel for the Superior Court.

The Gills are represented by Andrew J. DuPont and Sharice C. Wallace of Locks Law Firm, Charles Becker, Corrie Woods, Andra Laidacker and Kimberly Collins of Kline & Specter PC and Patrick J. Wigle and Rajeev Mittal of Waters Kraus Paul & Siegel.

Exxon is represented by Ilana H. Eisenstein and Alicia Hickok of DLA Piper, Christopher D. Stofko and Theresa A. Folino of Dickie McCamey & Chilcote PC, Chad D. Mountain of Maron Marvel Bradley Anderson & Tardy LLC and Paul D. Clement, Andrew C. Lawrence and James Xi of Clement & Murphy PLLC.

The case is Paul Gill et al. v. Exxon Mobil Corp., case number 2811 EDA 2024, in the Superior Court of Pennsylvania.

--Additional reporting by Matthew Santoni. Editing by Alanna Weissman.

Update: This article has been updated with a comment from the Gills' attorney.