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## Appeals Court Reinstates Milwaukee Lead Paint Suit

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MADISON, Wis. (AP) - A Wisconsin appeals court Tuesday reinstated the city of Milwaukee's lawsuit seeking millions of dollars from two paint companies for damages from lead paint.

The city appealed after Milwaukee County Circuit Judge Timothy Dugan dismissed the case in July 2003. Milwaukee officials want Mautz Paint and NL Industries to pay for the removal or abatement of lead paint they say has poisoned about 19,000 children since 1995.

"There are disputed material facts concerning the extent of both defendants' sales in Milwaukee and whether those sales were a substantial cause of the alleged nuisance," the 1st District Court of Appeals said.

The appeals court, which did not judge the merits of the city's claim, said a jury should decide those facts, ordering the lawsuit to trial.

The city sued in 2001, arguing the firms created a public nuisance by producing and selling the lead pigment and lead-based paint. The city is seeking \$85 million.

Attorneys for the paint companies have argued the city failed to prove paint specifically produced or sold by the defendants caused any harm.

Chuck Moellenberg, a Pittsburgh-based attorney for Mautz, said the decision is contrary to rulings made in similar cases by courts nationwide. He also said Wisconsin law makes property owners responsible for maintaining lead paint and preventing children from becoming harmed by it.

Attorney Ted Warshafsky, who represented the city, did not immediately return a call Tuesday seeking comment.

Lead poisoning has been associated with many health problems, including learning disabilities. Lead paint was banned from interiors in 1978, but many homes still have it.

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Wisconsin Court System: <http://www.courts.state.wi.us>

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