

Verdicts & Settlements

Two industrial workers die from burns in explosion

\$14 million settlement

Two workers died following an explosion in a confined area of an industrial workplace. The cause of the explosion was disputed. After the incident, an investigation by regulatory authorities revealed several defective welds.

The parties retained multiple experts in a variety of specialties, including metallurgy, code, plant operation, industry, traumatic medicine, forensic economic experts, psychology and plastic surgery.

The plaintiffs cited several measures that could have been taken to avoid the explosion. The defendants argued that those measures would not have been helpful, as the defect in question was latent and undetectable.

The two workers suffered severe burns, which led to their deaths. Plaintiffs' counsel alleged several separate areas of damages, including pain and suffering, imminent fear of death, and damages under the wrongful death statute. The claims were supported by testimony and expert opinion.

Plaintiffs' experts were prepared to testify that, despite their highly medicated state, the workers experienced significant pain and suffering and were aware of their imminent deaths, as supported by medical records, lay witness and expert testimony.

The evidence also established losses of comfort, care, companionship, advice, counsel, guidance, support and protection. The economic losses also were supported by plaintiffs' experts, who contended that the workers' personal consumption was minimal and that they would have remained gainfully employed beyond the age of 65.

Upon the completion of factual discovery and expert exchange, the parties agreed to mediation. Over a period of approximately three days, agreements were reached on both claims. The claim for the worker with a wife and children



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settled for \$9 million, while the claim for the worker with adult children settled for \$5 million.

Action: Negligence & tort

Injuries alleged: Wrongful death

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (mediated)

Amount: \$14,150,000

Date: March 2015

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