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Energy Co. Settles Case Over Power Line Death for \$105 Mil.

West Penn Power Co. has agreed to settle for \$105 million a case in which a woman died three days after receiving an electric shock from a fallen power line in her yard.

The settlement resolves a record verdict.

When an Allegheny County jury announced a \$109 million verdict in December, including \$61 million in punitive damages, it was the largest award in the county's history, according to annual statistics compiled in The Legal's sibling publication, PaLaw.

Plaintiffs' counsel Shanin Specter, of Kline & Specter, said that the settlement will be paid for by a \$5 million self-retention by West Penn Power, a \$35 million policy with Aegis and a \$75 million policy with EIM.

Those policies cover punitive damages, Specter said.

A spokesman for West Penn confirmed the settlement, including that it is subject to court approval. But the company declined further comment.

The settlement must be approved by the Orphans' Court because it involves funds for the woman's children, Specter said.

Carrie Goretzka went outside her Irwin, Pa., home to call 911 from her cellphone, which was in her car, because the power went out at her home and the pine trees in the yard were on fire, according to plaintiffs' court papers.

While Goretzka was outside, a power line fell from the power pole in her yard and hit Goretzka, leaving her with burns on 80 to 90 percent of her body, according to the plaintiffs' papers in the case. Goretzka died three days later.

The jury's verdict includes \$48 million in compensatory damages and \$61 million in punitive damages.

The compensatory damages includes \$10 million for a wrongful death claim and loss of companionship; \$29 million to Goretzka's estate for pain and suffering as well as survival claims; \$1 million to Goretzka's mother-in-law for her emotional distress in seeing the incident and for a personal injury claim for burns

sustained in trying to rescue Goretzka; and \$8 million, or \$4 million a piece, for Goretzka's daughters for their emotional distress in seeing their mother receive a fatal electric shock.

The jury was unanimous in finding that West Penn Power was negligent, that its negligence was a factual cause in Goretzka's death, that Goretzka was not herself negligent in causing the injuries complained of, and that West Penn Power's conduct was outrageous, according to a trial transcript.

The plaintiffs argued, among other arguments, that there was not proper fusing and grounding in place on the power line to cause the fuse to trip when Goretzka came into contact with the power line. The plaintiffs also argued that a conductor on that pole was not cleaned with a wire brush per the manufacturer's instructions and West Penn Power's own standards prior to installation.

The power company also reached a tentative settlement with regulator Public Utility Commission, which also must be approved by PUC's commissioners. That settlement includes an agreement to inspect all of the power company's power lines with infrared technology and retraining its lineworkers.

Specter said that his firm is going to file a petition to intervene in PUC's action and seek improvements on four fronts: West Penn should have to use infrared technology to inspect its power lines on a regular basis; West Penn should specify the regularity on its retraining of its lineworkers; other power companies also should have to inspect their power lines with infrared technology; and PUC should do an internal investigation on why it did not act sooner to investigate for itself Goretzka's death.

"This is a great day for the civil justice system," Specter said in an interview. "When you look at this case, we were able to get the family fairly financially compensated. We were able to get significant remedial measures from the company and we were able to vindicate the jury's verdict. There's no better vindication of the jury's verdict than West Penn's decision to drop their appeal and pay nearly every penny of the punitive damages award." There were settlement negotiations before the jury trial, Specter said. West Penn offered \$40 million as well as remedial measures, but Specter said that the plaintiffs wanted \$50 million to settle the case before the verdict.