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Pa. Utility Will Pay \$105M In Power Line Death Settlement

West Penn Power Co. will pay \$105 million to the family of a Pennsylvania woman who died in 2009 after being struck by a fallen power line and will no longer appeal a \$109 million verdict in her civil suit, a spokesman said Wednesday.

Carrie Goretzka's family will receive the payout pending court approval of West Penn's proposed settlement, which comes on the heels of a separate settlement the power company filed with the Pennsylvania Public Utility Commission on Feb. 13 that will retrain its workers how to properly install and maintain power lines, according to West Penn spokesman Scott Surgeoner.

Shanin Specter, the attorney representing the Goretzka family, on Wednesday hailed the proposed settlements, calling them a victory for the civil justice system.

"We were able to fairly compensate the Goretzka family financially for their loss of Carrie Goretzka and we were able to achieve vitally important remedial measures to fix the power lines and retrain the linemen, which will make the people of southwestern Pennsylvania a little bit safer," Specter told Law360. "Those remedial measures could not have occurred but for the litigation and investigation in to West Penn's practices."

Carrie Goretzka's husband, Michael Goretzka, sued West Penn after his wife was struck by a fallen power line in the family's yard in June 2009, electrocuted for 20 minutes during which she caught on fire and died three days later of severe burns covering 85 percent of her body, according to his 2011 complaint.

Goretzka contended West Penn failed to train its employees properly on installing and maintaining the power line, which he complained to West Penn had fallen twice before because the splices holding up the line weren't installed properly, according to the complaint.

In December, a jury awarded the Goretzka family \$109 million after determining West Penn was negligent and that its negligence caused Carrie Goretzka's injury and death, but West Penn in February asked a state judge to strike \$61 million worth of punitive damages from the verdict, saying the amount was flawed, excessive and not supported by sufficient evidence that the company was acutely aware that an accident was "substantially likely to occur."

The power company said Goretzka was required to present evidence that West Penn's employees were subjectively aware that a power line with automatic splices like the one that crossed the Goretzkas' property was substantially likely to fall down and injure someone, but consciously chose not to do anything to prevent a fall from happening, according to its motion for post-trial relief.

West Penn contended the complaint fell short in that respect, but Specter said the company's \$105 million settlement speaks to the merits of the jury's decision.

"By paying nearly the full amount of the verdict, this is West Penn's way of saying the jury got it right," Specter said. "Otherwise, they would have fully pursued their appellate rights."

The December jury verdict awarded the Goretzka family \$10 million under Pennsylvania's Wrongful Death Act, \$29 million under the Survival Act and \$9 million to Carrie's mother-in-law and two young daughters, who witnessed the June 2009 incident. In addition, the jury awarded the Goretzka family \$61 million in punitive damages after finding West Penn's conduct was outrageous or reckless, according to court records.

Goretzka is represented by Shanin Specter, Dominic Guerrini and Kila Baldwin of Kline Specter PC.

West Penn Power is represented by Avrum Levicoff and Elizabeth E. Deemer of Levicoff Silko & Deemer PC and by George E. McGrann of Schnader Harrison Segal & Lewis LLP.

The case is Michael Goretzka et al. v. West Penn Power Co., case number GD-11-009919, in the Court of Common Pleas in Allegheny County, Pennsylvania.

--Additional reporting by Linda Chiem. Editing by Katherine Rautenberg.