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Irwin family awarded \$109 million in power line death

An "epidemic" of failures by West Penn Power Co. led to a \$109 million verdict for the family of an Irwin woman who died after she was electrocuted in her own yard three years ago.

The jury of eight women and four men said Thursday the award was meant to show West Penn Power must be held accountable for its actions.

"We just wanted to send a message that not applying safe practices across the board is not acceptable," said jury member Thomas Swogger.

The 3 1/2-week trial, which focused on whether splices on power lines were installed correctly, ended Thursday after the jury deliberated less than two hours.

Allegheny County Common Pleas Judge Michael Della Vecchia said it is the largest personal injury award in Allegheny County history and possibly in Western Pennsylvania.

As the verdict was read, the victim's husband, Michael Goretzka, began to cry. Afterward, he and his mother stood at the door of the courtroom, shaking hands, hugging and thanking each of the jurors as they left.

Described by witnesses as a fantastic mother, Carrie Goretzka, 39, was inside her home on June 2, 2009, with her two daughters, then 2 and 4, and her mother-in-law when the power went out. It was a clear afternoon. She looked outside and saw trees in her yard on fire. Mrs. Goretzka retrieved her cell phone from her car and stood in the side yard to call 911 when the line fell on her.

The electrified wire caused the woman to catch on fire. Her mother-in-law, JoAnn Goretzka, tried to help but was burned. It took 20 minutes before crews arrived and shut off the power.

Shanin Specter, who represented the family, said Carrie Goretzka was conscious for 25 more minutes.

"Twenty-five minutes of the most gruesome pain and suffering a human being can endure," he said.

Mrs. Goretzka, who had several fingers severed from her left hand, and ultimately her left arm amputated, died three days later.

As Mr. Specter gave his impassioned closing argument -- laced with poetry, English philosophy and political speeches -- he reiterated to the jury that the case was about more than just Carrie Goretzka and the loss her family suffered.

He said West Penn is responsible for an "epidemic" of failed splices leading to fallen lines. He accused the company of continuously failing to fix the problem by retraining its workers, or disciplining them for shoddy

work.

"You know your verdict is going to speak very loudly. There has been such a failure here at West Penn Power," Mr. Specter said during his 2 1/2-hour closing. "They have not been held accountable for what they've done. They need to get the message."

Mr. Swogger, the juror, said that the negligence of the company -- in having lines fall in the Goretzkas' yard twice previously -- was a significant issue for the panel.

"As a matter of public safety, the Goretzkas are representative of any one of us. It could have been anyone," he said.

The jury agreed with the plaintiffs that West Penn was negligent for failing to have its employees use a wire brush to clean conductors when installing splices on its lines. The wire brush is used to remove oxidation, which allows for a better connection. Oxidation leads to overheating within the splice and, eventually, the power line burns through, breaks apart and falls while still energized.

The manufacturers' instructions included the use of a wire brush on the splices, but West Penn's trainers testified that they did not teach the linemen that, and instead allowed them to clean the conductors with knives or pliers, Mr. Specter said.

"The steps of putting up a line are not that complicated, and they've been doing it wrong for decades and decades, and these men came in here and said they still do it wrong," he continued.

During his closing argument, West Penn's attorney, Avrum Levicoff, said that an electrical engineer in the company's standards department issued newsletters and emails about the necessity of using a wire brush.

But Mr. Specter countered, "Putting it in a book is not the same as making sure it's being communicated."

In an April 2004 email, a West Penn employee wrote, "The majority of our automatic splice failures have been attributed to poor conductor preparation and improper splice installation."

Just two months later, on June 23, 2004, a line fell in the Goretzkas' yard for the second time.

After the company notified the family it would not pay for a claim for damage to the yard, Michael Goretzka spoke to a representative in West Penn's call center, and said he was "having concerns for his family's well-being."

That the problem was never corrected, Mr. Specter said, is "just indifference. It's reckless indifference."

During his closing on Wednesday, Mr. Levicoff told the jurors that they should not let emotion guide their decision.

"You have to be careful not to be so overwhelmed by the harm and injury to take your focus off the evidence," he said. "With all the sympathy and compassion you may feel, you can't be distracted."

West Penn included as part of its case a claim of contributory negligence by Mrs. Goretzka for walking in her yard and failing to look up.

"She positioned herself directly under the line," Mr. Levicoff argued. "I'm not blaming anybody. What I am

suggesting is that you need to determine why that occurred."

Mr. Specter called that claim "deeply, deeply offensive. Trying to blame her is reprehensible," he said.

After the verdict, Mr. Levicoff said he did not know if his client would appeal. He would not comment on the case.

Mr. Specter could not say what might be next in the process, but he doesn't believe that West Penn could win a new trial. It is possible the two sides could reach a settlement that would end any appeals in the case, but Mr. Specter would not speculate on that.

He called the damages "a very reasonable amount." He estimated compensatory damages would range between \$20 million and \$60 million. The jury set them at \$48 million. Of that, \$10 million was for wrongful death, \$29 million was for Carrie Goretzka's lost earnings over her lifetime and pain and suffering; \$1 million will go to JoAnn Goretzka and \$4 million for each of Carrie Goretzka's daughters.

As Mr. Specter outlined to the jury how much the children have lost, one female juror wept openly. "All of the things they need her for, she's not there," he said.

In terms of punitive damages, Mr. Specter said, the law says that they should not be more than nine times the compensatory damages. In this case, the ratio is just a little more than 1:1.

The net worth of West Penn as established at trial is \$244 million.

Mr. Specter said his client offered to settle the case before trial for \$50 million, provided there was also an agreement for remedial measures. The Goretzkas wanted West Penn to do an infrared inspection of its power lines within three years and retraining of its linemen on proper conductor preparation.

The two sides were never able to reach full agreement.

"Look at the verdict. Now they're going to have to pay a lot more."

Mr. Specter chastised West Penn throughout his closing for taking the case to trial in the first place.

"West Penn's liability should never have been contested," he said. "A power line shouldn't fall out of the sky on a clear, sunny day."