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## West Penn Power to pay \$105 million to settle Irwin woman's death

Trimming the largest personal injury award in Pennsylvania by just \$4 million, the family of an Irwin woman who was electrocuted in her own yard by a fallen power line has agreed to accept a \$105 million settlement from West Penn Power.

In addition, as part of an agreement with the Pennsylvania Public Utility Commission, the electric company will be required to retrain all of its linemen and inspect all of its existing 26,000 miles worth of power lines.

"It is a ringing endorsement of the jury's verdict in this case," said Shanin Specter, the attorney who represented the family of Carrie Goretzka. "This is West Penn Power saying the jury got it right, and that is a very important statement that the civil justice system can work."

The company confirmed the settlement and said it is awaiting approval by the courts. It offered no further comment.

Mr. Specter acknowledged that no amount of money can bring back Mrs. Goretzka, but he called it "fair compensation" for members of her family who had to witness the woman being shocked by a 7,000-volt power line for 20 minutes before work crews showed up to turn it off.

Mrs. Goretzka, 39, was inside her home on June 2, 2009, when the electricity went out. It was a clear day, and when she looked outside, she saw trees in her yard on fire.

Mrs. Goretzka went to her car to retrieve her cell phone to call 911 when a line fell on her.

Her daughters, then 2 and 4 years old, and her mother-in-law looked on as she was shocked. Her mother-in-law, JoAnn Goretzka, burned her hands trying to help.

Even after Mrs. Goretzka was freed, she remained conscious for another 25 minutes before she was intubated.

She died three days later.

"It's unimaginable," Mr. Specter said.

The power line at the Goretzka house had fallen twice before the incident in June 2009, and Michael Goretzka had made formal complaints with West Penn.

During the nearly four-week trial late last year, Mr. Specter presented evidence that linemen for the company were not properly cleaning the splices on the power lines with a wire brush as had been recommended by the



manufacturer.

He also presented evidence that company officials acknowledged their splices were failing years earlier for that reason.

The Goretzka family had asked all along that any settlement with West Penn had to include a safety provision to ensure something like what happened to them could not affect someone else, Mr. Specter said.

That's why he touted the part of the agreement that requires that West Penn linemen be retrained within one year, and that infrared inspections be made of the splices within three years.

Mr. Specter criticized the PUC, saying that it failed to do its own investigation into what happened until he sent a letter alerting the commission to what he'd learned in preparing the civil suit.

"They had done absolutely nothing with respect to investigating this incident," Mr. Specter said. "Without the work we did, nothing would have happened."

Jennifer Kocher, a spokeswoman with the PUC, disagreed.

The commission filed its first inquiry with West Penn on June 4, 2009. The process begins with an inquiry, and after an internal investigation gets referred to the commission's investigative division.

"Our processes admittedly can take time," she said. "We were reviewing it. To say that we were doing nothing would be incorrect."

The entire amount of the settlement will be covered by West Penn's insurance, Mr. Specter said.

"Given the company's resources ... that was a reasonable figure," Mr. Specter said of the \$105 million settlement.

Operating 10 utility companies in Ohio, Pennsylvania, West Virginia, Maryland and New Jersey, FirstEnergy had \$16 billion in revenue in 2011.

"The power company's decision to pay nearly all of the verdict speaks volumes that they believe they would not have gotten relief from the trial judge or appellate courts," he said.

The jury that heard the case deliberated less than two hours.

"The death of Carrie Goretzka has left a hole in the family that can't be solved by financial compensation," Mr. Specter said. "It doesn't replace Carrie as a mother, a wife, a daughter and daughter-in-law. She was the glue of that family."

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