



BY Courtney L. Davenport

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spotlight]

Woman Fatally Burned by Falling Power Line

Goretzka v. W. Penn Power Co., No. GD 11-009919 (Pa., Allegheny Co. Com. Pleas Dec. 6, 2012).

In June 2009, Mike and Carrie Goretzka took their two daughters, Chloe, 4, and Carlie, 2, to Disney World. They did not know it would be their last family vacation. Two days after returning home, Carrie Goretzka was electrocuted when a power line fell on her as her family watched helplessly. The power company denied responsibility, but Philadelphia attorneys Shanin Specter, Kila Baldwin, and Dominic Guerrini built a strong case that resulted in both a significant jury verdict and systemic changes at the company.

Carrie Goretzka was home with her mother-in-law and daughters when the power went out and she saw trees on fire in her backyard. Unable to call 911 from the landline, she went outside to retrieve her cellphone from the car. As she stood in her yard, the energized power line that had set the trees on fire and then fallen onto a phone cable broke free and struck her, pumping voltage through her body and setting her on fire. She lay on the ground, crying and moaning. Her

mother-in-law rushed to help, but an electrical shock threw her to the ground.

Goretzka was conscious for the 20 minutes it took for emergency personnel to de-energize the line and an additional 25 minutes for pain medications to take effect. Doctors amputated her left arm and tried to save her, but she had burns over 90 percent of her body and died three days later. Although Carlie—now 5—is doing better, 7-year-old Chloe is anxious, scared, and often angry. The girls have slept with their father every night since their mother died.

Mike Goretzka hired Specter and his firm, who are handling numerous cases against power companies across the country. The attorneys learned that the incident would have been avoided if linemen from West Penn Power Co. (WPP) had performed a simple 30-second procedure: cleaning the power line with a wire brush before splicing it. This is necessary to remove oxides that can corrode a wire, allowing heat to build up and eventually melt and fray the line.

The cleaning would have prevented the power line from snapping. After it fell, Carrie Goretzka would not have been injured by the line had there not

been systemic problems with WPP's practices. The company should have performed an infrared inspection on its power lines to ensure they were not overheating. The fusing system was installed incorrectly and the pole was not properly grounded, so the line did not de-energize when it broke. WPP was aware of the dangers because the same power line had fallen in the Goretzkas' yard twice before. Although emails were sent between two claims department investigators at the utility, stating that Mike Goretzka had complained that he was worried about his family's safety, no one from WPP investigated.

"Everything about the power line was done wrong from top to bottom," said Specter. "Other splices had failed, and the power company knew why they failed. They were lazy. Carrie would not have died if they had taken action."

WPP denied that the power line break was caused by problems with the line itself, asserting that wind had caused the line to snap, even though the day was not especially windy. WPP even tried to blame Carrie Goretzka for being in the path of the power line and argued that she was not conscious and did not suffer much before she died.

WPP had no intention of investigating the incident or changing its practices. Mike Goretzka sued WPP, individually and on behalf of his children and his wife's estate. During discovery, plaintiff counsel compiled an extensive record of WPP's systemic problems and presented it to the Pennsylvania

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Public Utility Commission, which filed a complaint against the company. WPP recently agreed to retrain its linemen, perform infrared inspections on the power lines, and hire an independent monitor to oversee the changes.

"This case is an important example of the good that trial lawyers can do," said Specter. "We discovered a problem, we turned it over to the appropriate governmental authority, and this resulted in what promises to be a safer system of power distribution in southwest Pennsylvania."

At trial, WPP persisted in denying responsibility, arguing that its linemen had cleaned the line with a wire brush and that the conductor had been installed correctly. Plaintiff counsel responded by calling several WPP engineers, linemen, trainers, and investigators, who admitted

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they sometimes didn't clean conductors, that the line shouldn't have fallen, and it should have been de-energized when it fell. These witnesses also conceded that they had not investigated prior incidents. When the engineer in charge of power line safety was presented with engineers' emails discussing the dangers, she agreed that more should have been done.

The jury awarded \$109 million,

including \$61 million in punitive damages. The parties later settled for \$105 million. Specter said the case will have a far-reaching impact.

"The Public Utility Commission will likely be more careful in its oversight of power companies. The case got a lot of national attention and will undoubtedly send a strong message to other public utilities to be sure linemen are properly cleaning the conductors," he said. **■**

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