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El Segundo accident Family wins \$21 million in death

By Faye Fiore
Staff writer

A father who held his dying son in his arms after a boom collapsed at an El Segundo construction site will receive part of a \$21 million settlement approved this week in Superior Court, Torrance.

The out-of-court agreement was struck a week before trial was to begin over the death of Lucius MaGee Jr., a 31-year-old Long Beach man crushed by a 90-foot boom as his father stood by helplessly.

The relationship between Lucius MaGee Sr. and his son had surpassed a mere paternal bond and grown into a friendship after the younger man took his father's advice and became a construction laborer, said the father's attorney.

For three years, they rode to jobs together, worked side by side and even lived together when their work took them out of town, said Wilmington attorney Larry Booth, who represented the MaGee family.

The MaGees were working on a building under construction at Hughes Aircraft when the heavy, 90-foot

boom hoisted above the ground broke free, crushing Lucius Jr.

The elder MaGee found extraordinary strength to lift the steel structure from his son's chest, then spent the next several minutes listening to his cries for help and holding him while he died.

The family contends Challenge-Cook Brothers Inc. — the manufacturer of the boom — and L.A. Concrete Pumping Inc., which owned and rented out the massive steel beam, failed to remedy structural flaws that led to the collapse on Feb. 17, 1981.

Two years before the death, the manufacturer became aware of other accidents caused by welding defects in some 100 booms they had sold to contractors throughout the United States and Canada. They issued notices to customers who purchased the booms, warning them of possible death, injury or property loss if they were rented out in their present state, Booth said.

Challenge-Cook offered to pay repair costs and recommended action be taken within 10 working days.

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Booth said, MaGee was killed on the seventh day after the warning.

The manufacturer contended it had met its responsibility by sending out notification of the danger, according to documents filed in the suit.

But L.A. Concrete said it continued to rent out the boom because the warning was not strong enough and failed to convey the proper sense of urgency, said R. William Schoettler Jr., attorney for the company.

"They could say, 'Do it within the next 10 working days,' or they could say, 'Wait, don't even drive it out of the driveway,'" Schoettler said. "There's an obvious difference there, but it's one of degree. Ten days doesn't give the impression of urgency."

After the death of MaGee, the manufacturer notified customers that the boom must be "shut down at once," — an action that should have been taken before the accident, the MaGee family held.

"Over 100 loaded guns had been released into the stream of commerce and defendant Challenge-Cook Brothers threw the dice for over two years with the lives of hundreds of workmen," the suit alleged.

Because the booms rent for hundreds of dollars per day, the MaGees charged that the owner failed to make the repair because economics were a higher priority than safety.

The settlement is not an admission of guilt by any party, Schoettler said. It represents a compromise reached to avoid the risk of a jury verdict, he said.

The settlement requires the two firms to invest a total of \$2.5 million, which will yield \$21.5 million over a lifetime for the father, MaGee's widow, Mattie, and their three young children.