

REPORT of the **WEEK****WORKPLACE SAFETY****Electric Shock****Billboard installer jolted when metal pole touched power line****SETTLEMENT** **\$1,180,000****CASE** Leo Laube v. Clear Channel Outdoor Inc.,
No. VC040236**COURT** Superior Court of Los Angeles County,
Norwalk, CA**JUDGE** Peter P. Espinoza**DATE** 12/3/2004**PLAINTIFF****ATTORNEY(S)** Roger E. Booth, Booth & Koskoff,
Torrance, CA**DEFENSE****ATTORNEY(S)** David T. McCann, Yoka & Smith,
Los Angeles, CA**FACTS & ALLEGATIONS** The plaintiff is Leo Laube, 23, a billboard installer.

Clear Channel Outdoor owned the billboard at issue and hired Laube's employer, Coast Iron & Steel, to periodically change advertising signs on its billboards. On July 3, 2002, in Santa Fe Springs, Laube and a co-worker were assigned to change a sign on the subject billboard. While Laube was in the process of removing a 12-foot long metal pole from the existing vinyl sign, the pole made contact with power lines that were located 10 feet from the billboard, and Laube was severely shocked.

Laube sued Clear Channel, contending that it caused the accident by failing to provide safe equipment on the billboard. Specifically, he claimed that Clear Channel provided metal "tensioning poles" for use on the billboard, in violation of its own corporate policy that required the use of fiberglass poles. He also argued that Clear Channel should have used shorter poles that would not have reached all the way to the power lines.

Clear Channel argued that the accident was the result of the plaintiff's negligence in removing the pole in the direction of the power lines, rather than towards the middle of the billboard, even though he had been specifically warned by his supervisor that morning to stay away from the power lines. Clear Channel also contended that Coast Iron & Steel failed to properly train the plaintiff in the proper method of removing the poles and, in fact, provided virtually no training at all. Clear Channel also intended to attack the plaintiff's credibility at trial based upon a felony conviction for assault with a deadly weapon.

INJURIES/DAMAGES *second-degree burns; third-degree burns*

The plaintiff sustained second- and third-degree burns over approximately 25% of his body, including both legs, his scrotum and his right hand. He spent a month in the hospital and underwent several skin grafting procedures. He has regained most of his pre-accident functioning, but becomes overheated and uncomfortable if exposed to the sun for prolonged periods.

The plaintiff incurred medical expenses of \$288,000. According to the plaintiff's expert, he will have lifetime earnings losses of \$478,000. He also sought pain and suffering.

The defense contended that the plaintiff made a good recovery from his injuries and was capable of going back to work immediately and that the total earnings loss will be less than \$200,000.

RESULT The parties settled for \$1,180,000.**INSURER(S)** Liberty Mutual**PLAINTIFF
EXPERT(S)**

Sandra Schneider, vocational rehabilitation/counseling, Los Angeles, CA
Tamorah G. Hunt, Ph.D., economics, Santa Ana, CA
Mel DeClue, safety, Columbia, MO
Gary Tassainer, electrical, Lehi, UT

Dr. Peter H. Grossman, plastic surgery/reconstructive surgery, Sherman Oaks, CA

Dr. F. David Rudnick, psychiatry, Santa Monica, CA

**DEFENSE
EXPERT(S)**

Leonard H. Kushner, electrical shock, Burbank, CA

Gene Bruno, vocational rehabilitation, Northridge, CA

Douglas Bennett, electrical, Long Beach, CA

Dr. Jeffrey L. Rosenberg, plastic surgery/reconstructive surgery, Los Angeles, CA

Dr. Lester M. Zackler, psychiatry, Sherman Oaks, CA

William Ackerman, CPA, accounting, Los Angeles, CA

EDITOR'S NOTE Counsel for the defense did not respond to a faxed draft of this report or a phone call.

--James Brennan