

CONSTRUCTION ACCIDENT

Falls — OSHA

**Sign installer shocked,
thrown to roof below****SETTLEMENT** **\$2,395,000****CASE** Francisco Baez v. Summit Media, City of Los Angeles, Coury Enterprises, Triangle Enterprises, Renaissance Media Group, Page Steel, Smith Brothers Crane Rental, No. SC071285**COURT** Superior Court of Los Angeles County, Santa Monica, CA**JUDGE** Lorna K. Parnell**DATE** 8/12/2004**PLAINTIFF****ATTORNEY(S)** Roger E. Booth, Booth & Koskoff, Torrance, CA (Francisco Baez)
Robert R. Luster, Torrance, CA (Golden Eagle Insurance Group)**DEFENSE****ATTORNEY(S)** Ted R. Crisler, Law Offices of Linda Libertucci, Brea, CA (Page Steel)
Craig A. French, Fry, Marshall & Zell, Irvine, CA (Triangle Enterprises)
Cecille L. Hester, Fonda & Fraser, Los Angeles, CA (Summit Media)
Brad Kuening, Gray, York & Duffy, Encino, CA (Smith Brothers Crane Rental)
Melinda Mahony, Wolf & Wyman, Irvine, CA (Renaissance Media Group)
Christopher Mesaros, Murchison & Cumming, Los Angeles, CA (Coury Enterprises)
William E. Nees, Office of City Attorney, Los Angeles, CA (City of Los Angeles)
Samuel A. Wyman, Wolfe & Wyman, Irvine, CA (Renaissance Media Group)

FACTS & ALLEGATIONS On Oct. 29, 2001, plaintiff Francisco Baez, 36, was installing a sign on a billboard owned by Summit Media on Venice Boulevard in Los Angeles. The billboard was located just 4.5 feet from high voltage power lines, in violation of applicable Los Angeles Building Code, California OSHA and other regulations that require at least six feet of clearance. As he was removing a metal rod from the sign, the rod struck the power lines and sent an electrical shock to Baez. Baez's safety harness was not attached to the lifeline on the billboard and he was thrown off the billboard to the roof below.

Baez sued the owner and manager of the billboard, Summit Media; the general contractor for the billboard construction,

SOUTHERN CALIFORNIA

Coury Enterprises, the subcontractor hired to install the billboard, Triangle Enterprises; the designer of the billboard structure, Renaissance Media Group; the fabricator of the component parts of the billboard, Page Steel; a company that operated a crane that placed the billboard on the roof, Smith Brothers Crane Rental, and the city of Los Angeles, which owns the subject power lines and also issued a permit for construction of the billboard. Golden Eagle Insurance Company served as the workers' compensation carrier for Baez's employer, FAR Sign, and paid medical bills and disability to Baez.

Baez alleged that each defendant bore significant responsibility for the close location of the billboard to the power lines and that this condition had remained in place for two years prior to the accident.

Baez further alleged that none of the defendants took responsibility for complying with the building code requirements regarding proximity to power lines, even though a number of individuals involved in the project noted that the power lines were particularly close.

Each defendant attempted to place blame, to one degree or another, on the other defendants, on the plaintiff and on the plaintiff's employer. Summit argued that it had no expertise with regard to construction or building code requirements and therefore relied upon its contractors and the city of Los Angeles. Each of the other defendants argued that it played a small role in the process and did not decide where the billboard would be placed on the roof (Summit did). The city of Los Angeles also argued that certain governmental immunities prevented it from being held liable.

With regard to employer negligence, the defendants pointed out that Baez's employer had been on this billboard several times before, was aware of the close proximity of the power lines and therefore should have used non-conductive material (e.g., fiberglass) for equipment rather than metal. In fact, the employer had changed some rods to fiberglass on this billboard prior to the accident, but not all of them.

With regard to the Baez's fault, the defendants argued that he violated his employer's safety rules by not being tied off and by removing the metal rod in the direction of the power lines and that he failed to heed warnings about staying away from the power lines.

INJURIES/DAMAGES *burns; electric shock; fracture, foot; second-degree burns; skin grafts; third-degree burns*

Baez sustained second- and third-degree burns to approximately 40% of his body, including both arms and hands, his torso and both legs (but not his face). He also sustained a severe fracture to his right foot as a result of the fall from the billboard. He underwent numerous skin grafting procedures and incurred medical bills totaling \$583,000. There is little or no future medical treatment contemplated.

He claimed past earnings losses of approximately \$60,000. He has been retrained through workers' compensation and is expected to be able to re-enter the workforce earning approximately the same as he earned at the time of the accident.

RESULT The case settled for \$2,395,000 after two mediation sessions with Michael Moorhead. The defendants paid as follows: Summit Media - \$1,075,000; Coury Enterprises - \$375,000; Triangle Enterprises - \$325,000; Page Steel - \$245,000; Renaissance Media Group - \$180,000; city of Los Angeles - \$150,000; Smith Brothers Crane Rental - \$45,000.

Golden Eagle Insurance received \$241,000 in satisfaction of its \$636,000 workers' compensation lien. Golden Eagle also received a third-party compromise and release of all future workers' compensation obligations.

EXPERT(S) None reported

EDITOR'S NOTE Defense counsel did not respond to a phone call or a faxed draft of this report.

-Liz Grisales