

38 Trials Digest (TD) 10068, 1987 WL 958146 (Nev. Dist. Ct.) (Verdict and Settlement Summary)

Copyright (c) 2012 Thomson Reuters/West
District Court of Nevada

David B. Smith v. Sierra Pacific Power Co. & Robert Helms Construction and Development Co.

TOPIC:

Case Type: Defective Installation

DOCKET NUMBER: 83-4730

STATE: Nevada

COUNTY: Washoe

TRIAL: 11-16-87 to 11-19-1987

JUDGE: Hon. Robert Schouweiler

ATTORNEYS:

Plaintiff: BILL BRADLEY, (Bradley & Drendel), P-Reno

Defendant: STEPHEN S. KENT, (Beckley, Singleton, DeLanoy, Jemison & List), D-Helms-Reno NV WILLIAM PETERSON,
(Woodburn, Wedge, Blakey & Jeppson), D-Sierra Pacific-Reno NV

SUMMARY:

Specials: Medical: \$17,000; Lost Profit: \$10,000

Demand: \$90,000; Suggested Verdict: \$450,000

Offer: \$20,000; Suggested Verdict: -0-

Verdict: Defendants

Vote: 8-0

Jury Out: 1-3/4 hrs.

Range: \$1-49,999

SYNOPSIS: This incident occurred at 3: 00 p.m., on December 27, 1982, in Sparks, Nevada. Plaintiff, a contractor, was digging a trench while working on an apartment complex he owned when an exposed water main, owned by Sierra Pacific, and installed nine years previously by Helms Construction, ruptured while Plaintiff was working in the trench. Plaintiff alleged the water main was improperly installed, at a deflection above manufacturer's requirements.

Defendant contended that the Plaintiff failed to follow OSHA regulations, by not shoring the trench, and that his own negligence caused the pipe to burst.

INJURIES/DAMAGES: Plaintiff sustained a broken jaw, a shattered wrist, and a broken elbow. He is left with numbness in his jaw, and his wrist does not rotate fully.

EXPERTS:

MEDICAL TESTIMONY:

(Plaintiff):

Robert Parlasca, (Orthopedic Surgeon-Reno NV), testified that Plaintiff's range of motion in his arm and wrist cannot be improved upon.

J.R. McMullen, (Oral Surgeon-Reno NV), testified that the numbness in Plaintiff's jaw was a result of the accident and cannot be repaired.

NON-MEDICAL EXPERT/WITNESS TESTIMONY:

(Plaintiff):

Rick LeMay, (Realtor-Reno NV), testified that Plaintiff was forced to sell the property for a lower price than comparable properties, due to the accident.

(Defendant):

Eldon Dobyms, (Inspector, Sierra Pacific-Reno NV), testified that there were no problems with supervision of the installation by the power company.

Larry Hirsch, (Engineer-Reno NV), testified that the manufacturer allows deflection of 5% at joints of pipe. He stated that the most likely cause of the break was lack of support for the pipe in the trench, or that Plaintiff hit the pipe with his backhoe.

PRIMARY ISSUES: Whether the pipe was installed incorrectly with greater than a 5% deflection. Whether Plaintiff followed OSHA regulations applicable to the excavation.

Trials Digest, A Thomson/West business

WASHOE COUNTY, NEVADA

End of Document

© 2012 Thomson Reuters. No claim to original U.S. Government Works.