

# Largest Texas Nonsubscriber Settlements and Judgments

Based on PartnerSource Research since 1989

August 2020

\$1 Million - \$2 Million		\$2 Million - \$5 Million		Over \$5 Million
\$1,000,000 <sup>1</sup>	\$1,300,000 <sup>26</sup>	\$2,000,000 <sup>51</sup>	\$2,700,000 <sup>74</sup>	\$5,000,001 <sup>97</sup>
\$1,000,000 <sup>2</sup>	\$1,300,000 <sup>27</sup>	\$2,000,000 <sup>52</sup>	\$2,750,000 <sup>75</sup>	\$5,028,875 <sup>98</sup>
\$1,000,000 <sup>3</sup>	\$1,300,000 <sup>28</sup>	\$2,000,000 <sup>53</sup>	\$2,900,000 <sup>76</sup>	\$5,202,664 <sup>99</sup>
\$1,000,000 <sup>4</sup>	\$1,312,000 <sup>29</sup>	\$2,030,000 <sup>54</sup>	\$2,916,238 <sup>77</sup>	\$5,250,000 <sup>100</sup>
\$1,000,000 <sup>5</sup>	\$1,312,518 <sup>30</sup>	\$2,031,451 <sup>55</sup>	\$2,950,000 <sup>78</sup>	\$5,300,000 <sup>101</sup>
\$1,000,000 <sup>6</sup>	\$1,362,309 <sup>31</sup>	\$2,056,867 <sup>56</sup>	\$3,000,000 <sup>79</sup>	\$6,000,000 <sup>102</sup>
\$1,000,000 <sup>7</sup>	\$1,375,000 <sup>32</sup>	\$2,063,016 <sup>57</sup>	\$3,000,000 <sup>80</sup>	\$7,083,418 <sup>103</sup>
\$1,000,000 <sup>8</sup>	\$1,426,550 <sup>33</sup>	\$2,106,442 <sup>58</sup>	\$3,000,000 <sup>81</sup>	\$8,000,000 <sup>104</sup>
\$1,000,000 <sup>9</sup>	\$1,471,227 <sup>34</sup>	\$2,248,927 <sup>59</sup>	\$3,000,000 <sup>82</sup>	\$8,590,000 <sup>105</sup>
\$1,080,514 <sup>10</sup>	\$1,500,000 <sup>35</sup>	\$2,250,000 <sup>60</sup>	\$3,100,000 <sup>83</sup>	\$8,601,496 <sup>106</sup>
\$1,093,445 <sup>11</sup>	\$1,500,000 <sup>36</sup>	\$2,251,592 <sup>61</sup>	\$3,073,613 <sup>84</sup>	\$9,120,000 <sup>107</sup>
\$1,143,141 <sup>12</sup>	\$1,500,000 <sup>37</sup>	\$2,333,108 <sup>62</sup>	\$3,337,471 <sup>85</sup>	\$10,250,000 <sup>108</sup>
\$1,150,000 <sup>13</sup>	\$1,500,000 <sup>38</sup>	\$2,450,000 <sup>63</sup>	\$3,400,000 <sup>86</sup>	\$11,293,080 <sup>109</sup>
\$1,161,790 <sup>14</sup>	\$1,702,709 <sup>39</sup>	\$2,495,330 <sup>64</sup>	\$3,500,000 <sup>87</sup>	\$11,900,000 <sup>110</sup>
\$1,179,670 <sup>15</sup>	\$1,750,000 <sup>40</sup>	\$2,500,000 <sup>65</sup>	\$3,630,000 <sup>88</sup>	\$12,450,000 <sup>111</sup>
\$1,200,000 <sup>16</sup>	\$1,750,000 <sup>41</sup>	\$2,500,000 <sup>66</sup>	\$3,800,000 <sup>89</sup>	\$15,300,000 <sup>112</sup>
\$1,200,000 <sup>17</sup>	\$1,750,000 <sup>42</sup>	\$2,500,000 <sup>67</sup>	\$4,000,000 <sup>90</sup>	\$16,000,000 <sup>113</sup>
\$1,228,593 <sup>18</sup>	\$1,800,000 <sup>43</sup>	\$2,500,000 <sup>68</sup>	\$4,000,000 <sup>91</sup>	\$17,000,000 <sup>114</sup>
\$1,250,000 <sup>19</sup>	\$1,800,000 <sup>44</sup>	\$2,500,000 <sup>69</sup>	\$4,050,000 <sup>92</sup>	\$17,751,748 <sup>115</sup>
\$1,260,000 <sup>20</sup>	\$1,804,000 <sup>45</sup>	\$2,500,000 <sup>70</sup>	\$4,003,286 <sup>93</sup>	\$20,413,428 <sup>116</sup>
\$1,266,569 <sup>21</sup>	\$1,896,000 <sup>46</sup>	\$2,550,000 <sup>71</sup>	\$4,700,000 <sup>94</sup>	\$22,707,000 <sup>117</sup>
\$1,298,800 <sup>22</sup>	\$1,898,126 <sup>47</sup>	\$2,631,568 <sup>72</sup>	\$4,800,000 <sup>95</sup>	
\$1,300,000 <sup>23</sup>	\$1,900,000 <sup>48</sup>	\$2,684,026 <sup>73</sup>	\$4,800,000 <sup>96</sup>	
\$1,300,000 <sup>24</sup>	\$1,900,000 <sup>49</sup>			
\$1,300,000 <sup>25</sup>	\$1,918,895 <sup>50</sup>			

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- <sup>1</sup> Settlement. Printing press accident where a 28-year-old employee lost his leg.
  - <sup>2</sup> Equipment being loaded onto trailer fell on employee's foot when trailer boards broke. Fractured foot with diabetic healing issues. Default judgment resulted when defendants did not appear in court. (1993 claim.)
  - <sup>3</sup> Forklift operator backed into an I-Beam and injured left leg. (Added in 2007.)
  - <sup>4</sup> Maintenance man's 10 foot fall from unsecured ladder resulted in multiple broken bones in foot. Judge denied defendant's claim that the employee signed a document that provided employee benefits in exchange for waiving his right to sue. (Added in 2007.)
  - <sup>5</sup> Hand amputated in running machine at cattle feed lot.
  - <sup>6</sup> Electrocutation while erecting a tent. Two fatalities, one burned worker.
  - <sup>7</sup> \$1M settlement. Passenger in truck accident; various injuries and alleged brain damage.
  - <sup>8</sup> \$1M settlement. Employee driving company truck collided head-on with 18-wheeler, resulting in employee's death. He was survived by his wife and three children. Alleged negligent driver-qualification practices, failure to train, negligence in requiring him to drive a truck he had complained was too big, negligent route selection, and violations of federal motor carrier safety laws. Both compensatory and punitive damages sought. (Added in 2018.)
  - <sup>9</sup> Commercial truck accident resulting in death after the driver lost control and crashed into a cement culvert. 2013 settlement during El Paso trial. \$1,392,331 total claim. (Added in 2018.)
  - <sup>10</sup> 29 y.o. female tripped on the corner of a floor mat and fell in 2007. Injured low back and subsequently developed cauda equine syndrome (permanent bowel and bladder incontinence). Coworkers testify floor mats are a trip hazard. At 2010 arbitration in a plaintiff-oriented venue, the arbitrator rejects plaintiff's \$8 million demand but awards \$1.08 million. (Added in 2010.)
  - <sup>11</sup> Jury verdict regarding partial amputation of two fingers on right hand. (Added in 2013.)
  - <sup>12</sup> Employee was a passenger in a one-vehicle accident. Employee suffered multiple fractures to lower extremities.
  - <sup>13</sup> Employee was moving a large metal plate and support device broke causing it to strike him in both legs. Total replacements to both knees. (Added in 2006.)
  - <sup>14</sup> Employee suffered a below the knee amputation as a result of a concrete I-beam falling on his leg.
  - <sup>15</sup> Employee suffered a crushing injury to both legs when a load of metal fell on top of him.
  - <sup>16</sup> \$1.2 Million settlement in El Paso steel press accident resulting in loss of arm below the elbow. (Added in 2009.)
  - <sup>17</sup> \$1,200,000 Arbitration award. 25 y/o sustained a crush injury from a food roller machine accident, resulting in amputation of three fingers on dominant hand. Final settlement demand by claimant's counsel was \$1.75 million. (Added in 2018.)
  - <sup>18</sup> Employee was sexually assaulted while she was sweeping a loading dock at a hotel. The hotel had multiple negligence issues. Case settled prior to mediation.
  - <sup>19</sup> \$1,250,000 estimated settlement on an El Paso claim following a fatality when a rod on an oil rig broke. (Added in 2009.)
  - <sup>20</sup> 2008 claim with settlement of \$1,260,000 prior to arbitration. 40 y.o. male, right arm caught in machinery, resulting in amputation of arm below shoulder. (Added in 2010.)
  - <sup>21</sup> Employee injured in a 2014 forklift accident resulting in traumatic brain injury and multiple fractures. The forklift was carrying an oversized unbalanced load. The arbitration award of \$1,266,569 included \$165,000 for loss of earning capacity, \$215,209 for past medical (paid through the plan), \$145,000 for future medical, \$125,000 for physical impairment, \$425,000 for past and future physical pain, \$125,000 for mental anguish, \$55,000 for disfigurement, and \$11,360 for claimant costs. (Added in 2017.)
  - <sup>22</sup> \$1,298,800 verdict awarded to wife and son of 28 y.o. employee shot and killed by a coworker previously convicted of carrying an illegal weapon on a jobsite. The company did not perform background checks, even on employees with self-reported criminal backgrounds. Other employees previously expressed concerns regarding the coworker's behavior to management but no action was taken. (Added in 2017.)
  - <sup>23</sup> Employee was involved in motor vehicle accident, suffering a closed head injury and severe injury to right leg and knee. (Added in 2006.)
  - <sup>24</sup> Fatality occurred when coworker backed a truck over the employee. Vicarious liability an issue. Settled during litigation. (Added in 2007.)
  - <sup>25</sup> Employee bumped elbow on table when coworker rushed by. Developed Complex Regional Pain Syndrome. No binding arbitration agreement in place; settled during litigation. (Added in 2007.)
  - <sup>26</sup> Back injury was sustained from operation of trailer tug that pulled a "wheeler" resulting in compression fracture at L12 with injury to bowel and bladder, incontinence and impotence. (Added in 2006.)

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- <sup>27</sup> \$1,300,000 arbitration award. Co-driver in passenger seat when truck overturned and driver was killed. Multiple soft tissue injuries. Went to arbitration in 2006; limited information about arbitrator. Award was appealed but upheld by the Fifth Circuit. (Added in 2009.)
- <sup>28</sup> Arbitration award for elderly employee severely injured in fall. (Added in 2016.)
- <sup>29</sup> AAA award for fractured fibula. Employee struck by fellow employee / forklift operator in warehouse. Diabetic recovery complications. (Added in 2008.)
- <sup>30</sup> 26 y.o. machine operator suffered crush injury to leg by forklift. Arbitration award in 2011 consisting of \$249,686 medical costs, \$100,000 physical impairment, \$537,832 lost earnings, \$225,000 pain and suffering, \$200,000 disfigurement. (Added in 2011.)
- <sup>31</sup> Employee sustained injury to back while rolling down the door on a trailer. Settlement reached after verdict. (Added in 2006.)
- <sup>32</sup> \$1,375,000 mediation settlement prior to trial on \$1.7M total claim. The employee suffered a significant crushing injury to the arm by a machine belt roller. 2018 injury settled in 2019. (Added in 2020.)
- <sup>33</sup> Five employees were killed and one critically injured when an employee was terminated, left then returned to worksite and shot them.
- <sup>34</sup> Commercial truck accident resulting in traumatic leg amputation plus other crush injuries. \$2,150,000 total claim. 2016 settlement post mediation. (Added in 2018.)
- <sup>35</sup> 52 yr old machine operator. Left arm amputated. Settlement of \$1,500,000 plus \$466,000 in benefits. (Added in 2011.)
- <sup>36</sup> \$1,500,000 settlement. Employee fatality involving cherry picker and leaving 3 beneficiaries. (Added in 2012.)
- <sup>37</sup> Arm trapped in roller/belt assembly resulting in amputation of lower arm. Waived arbitration due to perceived advantageousness of the venue. Settled at trial for \$1,500,000. Total claim \$2,216,244. (Added in 2012.)
- <sup>38</sup> Employee did not use lockout/tag out procedures. \$1,500,000 settlement; \$2,216,214 total claim. (Added in 2013.)
- <sup>39</sup> Injuries sustained by nurse in a hit-and-run collision included fractured pelvis, leg, arm and ankle; hip replacement surgery. Employee alleged her work schedule required her to drive a dangerous route frequented by drug and human traffickers to get to her appointments and employer refused to change schedule. (Added in 2009.)
- <sup>40</sup> Old machine with OSHA violation pending had not yet been fixed when employee's arm was severely crushed. Settlement in El Paso.
- <sup>41</sup> Distribution center employee lost control of forklift during her new hire training. Suffered crush injury of dominant hand/forearm, resulting in amputation. Plan benefits paid \$440,398 and suit settled for \$1.75 million. (Added in 2017.)
- <sup>42</sup> \$1,750,000 settlement at mediation. Employee injured leg in pallet jack accident requiring multiple surgeries. Manager provided harmful testimony against the employer regarding employee safety. (Added in 2018.)
- <sup>43</sup> Inadequate security on parking lot resulted in kidnap/rape. Settlement versus one of the best plaintiff attorneys in Houston.
- <sup>44</sup> Forklift accident resulting in fatality of 19 year old employee who was a family member of a long-term employee. 2014 settlement on total claim of \$2,237,274. (Added in 2015.)
- <sup>45</sup> RSD related to alleged dislodging of pacemaker when employee lifted a dress shirt...sympathetic jury prior to introducing arbitration program.
- <sup>46</sup> Employee in warehouse-type store re-injured L5-S1 fusion when pallet of rice collapsed, hitting his back and hip. (Added in 2007.)
- <sup>47</sup> Court judgment. Employee severely burned left hand in drycleaner's press. Alleged violations of Fair Labor Standards Act. (Added in 2007.)
- <sup>48</sup> Hydraulic scissors used to sever the hoofs from a cow severed three-and-a-half fingers from employee's right hand. Same injury previously happened to another employee, cutters were then automated, but employer later concluded that they did not work as well as the manual cutters and switched back. Settlement.
- <sup>49</sup> Fatality of male in mid-40's occurred when caught between a robotic arm and a conveyor belt. Employee attempted to work on a jammed machine without first performing lockout/tag out. Several fellow employees were later fired. 2014 settlement on total claim of \$1,998,924. (Added in 2015.)
- <sup>50</sup> Freezer door hinge broke and door fell on employee's foot. Underlying carrier insolvency led excess carrier to force large settlement.
- <sup>51</sup> \$2,000,000 settlement at mediation. Employee driver fatally injured after falling asleep at the wheel. (Added in 2018.)
- <sup>52</sup> \$2,000,000 settlement in 2018. 70 year old employee struck by a manual flatbed controlled by another employee. Employee fell and hit his head resulting in quadriplegia.
- <sup>53</sup> \$2,000,000 settlement in co-driver claim following MVA involving 1 vehicle. (Added in 2018.)
- <sup>54</sup> Foot had to be amputated above ankle when the employee's leg got caught in a feed-loading auger. (Added in 2007.)
- <sup>55</sup> An employee who was not a licensed electrician and was not wearing protective gear suffered severe electrical burns while replacing electric panel covers per the instruction of a licensed electrician. Demand never dropped below \$15M but the claim was settled through arbitration plus a post-arbitration settlement to avoid a second arbitration on gross negligence. (Added in 2014.)

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- <sup>56</sup> Employee was killed in a forklift accident. She backed into a stack of heavy boxes causing them to fall on her.
- <sup>57</sup> Amputation injury occurred when pipe fell off truck and landed on employee's legs. Suit filed. Claim settled. (Added in 2006.)
- <sup>58</sup> Employee had multiple surgeries, compartment syndrome, and healing issues in his dominant arm following an accident in which a 200 pound steel roller bar broke off and struck the employee's arm. The company stipulated to negligence. Continued physical impairment and loss of income. Arbitration awarded \$2,006,442 to the employee and \$100,000 loss of consortium to his wife. (Added in 2013.)
- <sup>59</sup> 2012 incident lifting 65 to 100 pound boxes in a space that restricted the use of proper lifting techniques. Multiple surgeries to L3, L4 and L5. Jury verdict against the employer in 2015. (Added in 2017.)
- <sup>60</sup> Employee got hand caught in machinery causing amputation of arm in 2008. Unsafe workplace alleged. Suit filed; settled for \$2.25M; total claim \$2,524,652.
- <sup>61</sup> Employee injured by bracket that came loose from while employee was repairing a warehouse garage door. Employee suffered a permanent brain injury. Settled in Mediation. Total Payout: \$2,456,307.40 (\$2,251,592 – Liability Damages; \$204,715 – Benefit Plan Payments and Expenses). (Added in 2006.)
- <sup>62</sup> Employee blown off a trailer and fell over 10 feet onto concrete, causing a traumatic brain injury. Arbitration award. (Added in 2015.)
- <sup>63</sup> Employee was injured when he fell from a ladder. He suffered a closed head injury, right knee and low back. Underwent surgery to knee and had a 360 lumbar fusion. (Added in 2006.)
- <sup>64</sup> 2014 arbitration settlement in Dallas County on \$3M total claim. Diabetic complications resulting in osteomyelitis spine. (Added in 2018.)
- <sup>65</sup> Repetitive injuries/individual traumas.
- <sup>66</sup> \$2,500,000+ settlement for serious personal injury in a manufacturing plant. (Added in 2009.)
- <sup>67</sup> \$2,500,000+ settlement for catastrophic brain injury in an agricultural operation. (Added in 2009.)
- <sup>68</sup> Arbitration settlement for \$2,500,000. Employee died during surgery following severe crushing accident pinned under tractor trailer wheels. (2011 claim.)
- <sup>69</sup> Approximate \$2,500,000 settlement plus \$500,000 pre-settlement medical care. Employer, nonsubscriber insurer and general commercial insurer all contributed to the settlement. Forklift operator crushed between two forklifts suffered severe injuries to lower torso and lower extremities that resulted in permanent impairment. The arbitration agreement at issue was not enforced by the trial court, and the case settled before the court of appeals ruled on the arbitration issue. (Added in 2012.)
- <sup>70</sup> \$2.5 million settlement for wrongful death of a relief driver asleep in the sleeping compartment when the driver ran off the roadway in a single vehicle accident. Settled after mediation but prior to arbitration. (Added in 2012.)
- <sup>71</sup> 2007 forklift accident resulting in fatality. \$2,979,446 total claim including \$2,550,000 in two settlements. Bad venue but mitigating circumstances. Insurance company settled despite employer's belief claim was defensible. (Added in 2009.)
- <sup>72</sup> Employee fell off scaffolding inside the store and suffered multiple injuries to head, back and knees.
- <sup>73</sup> Employee was involved in a motor vehicle accident when he pulled out in front of an 18-wheeler. Employee suffered multiple fractures, as well as head trauma. Employee is currently in a nursing home and will require long-term care.
- <sup>74</sup> \$2.7M settlement plus over \$500,000 in benefits for a closed head injury. Employee fell through a skylight from a height where OSHA mandated fall protection, but none was provided. (Added in 2008.)
- <sup>75</sup> Fall off of elevated surface resulting in severe physical and mental injuries including brain damage and extreme cognitive deficits. (Added in 2008.)
- <sup>76</sup> \$2,900,000 settlement on \$3.2 million claim mediated before trial. Following a supervisor onto a roof claimed to be slippery and dirty and lacking appropriate non-skid surfacing or proper drainage, employee fell and broke ankle. The injuries developed into CRPS. 2017 claim settled in 2019. (Added in 2020.)
- <sup>77</sup> Employee killed when crushed by 1,000 pound door on eighteen wheeler tractor trailer. Door collapsed, striking him on the head. Subrogation potential because the electric system for the gate was recently repaired and the safety chains were not reattached. Arbitration award. (Added in 2008.)
- <sup>78</sup> Arbitrated settlement arising from a rollover traffic fatality of employee with surviving spouse and dependent children. (Added in 2015.)
- <sup>79</sup> 64-year-old janitorial project manager was struck by a motorist while operating a utility vehicle. Employee was ejected from vehicle upon impact and sustained multiple, severe injuries, including skull and spinal fractures. (Added in 2017.)
- <sup>80</sup> Employee was in a one-vehicle accident where vehicle rolled over. Employee suffered a severe, closed head injury requiring long-term care.
- <sup>81</sup> Employee walking near workdock in 2012 was struck by a fellow employee driving a pickup truck. Death benefits paid to widow. Total claim \$3,201,352 including \$3,000,000 settlement to avoid arbitration. (Settled in 2014.)
- <sup>82</sup> \$3,000,000 settlement at mediation. Employee suffered significant head injuries and fractures crossing major highway in an ATV. Employee was struck by a car and ejected from the ATV. Employee was directed to use ATV by employer, despite law against operating an ATV on a motor highway. (Added in 2018.)

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- <sup>83</sup> \$3,100,000 mediation settlement for an employee electrocuted while servicing a machine and leaving behind a spouse and two children. Allegations of improper training and machine service. (2000 claim.)
- <sup>84</sup> Employee got arm caught in machinery causing amputation. Unsafe workplace alleged. Suit filed, claim settled. (Added in 2006.)
- <sup>85</sup> \$3,337,471 – Fell 6 to 7 feet from a basket on a forklift. (2016 claim added in 2020.)
- <sup>86</sup> Starr County jury verdict to a 30 year-old Edinburg oil field worker seriously injured when a pipe weighing several hundred pounds slipped from the hands of a co-worker and fell on him during oil rigging operations. Permanent back injury requiring spinal fusion surgery.
- <sup>87</sup> 40-year-old trucking company mechanic was crushed between two semi-trailers by co-employee. Exposure for vicarious liability through the negligent operations of the co-employee and evidence that similar situations had arisen at this particular location in the past. Wrongful death claim settlement required employer to pay SIR plus amount in excess of insurance coverage. (Added in 2008.)
- <sup>88</sup> Forklift accident by non-certified, non-trained employee resulting in amputation of another employee's leg below the knee. Third party liability dispute and nonsubscription plan design directly impacted employer ability to settle liability claim. Of \$3.63 million claim, \$1 million paid in plan benefits, \$1.1 million paid by employer, and \$1.5 million paid by third party. (Added in 2008.)
- <sup>89</sup> Distribution center employee sustained fatal brain injury in Hidalgo County while unloading pallet of product. The palleted produce was shipped in violation of the safety practices and the palletization standards of the employer. Multiple defendants involved. (Settled in 2014.)
- <sup>90</sup> Wrongful death of popular employee with surviving wife and children; fell through skylight; employer was on notice 6 months before accident that screens were needed over skylights. Settlement in San Antonio.
- <sup>91</sup> \$4,000,000 settlement on \$4.4 million claim. An altered safety valve failed and caused third degree steam burns to the majority of the employee's body. The employee then fell from a high platform and sustained a brain injury, ultimately succumbing to injuries. This 2019 claim settled pre-suit in 2019. (Added in 2020.)
- <sup>92</sup> Mediation settlement resulting from employee death after failing to lockout/tag out on a sorting machine. Employer had similar past claims plus OSHA violations for missing safety guard cover on the sorting machine. (Known in 2011, added in 2012.)
- <sup>93</sup> 70-year-old employee impaled in abdomen when wood flew off rip saw. Died 9 months later. Settled at mediation with surviving family. (Added in 2007.)
- <sup>94</sup> RSD from leg injury to young man resulting from employer refusal to modernize plant and equipment.
- <sup>95</sup> 33-year-old drilling company employee struck in head by large piece of pipe that fell approximately 90 feet. Seizures and potential brain damage. Umbrella insurance carrier went into mediation ready for \$7M settlement and insured had to argue it lower. \$4,800,000 settlement, \$4,969,901 total claim. (Added in 2008.)
- <sup>96</sup> Settlement of law suit resulting from 2010 accident when the cargo truck the employee was in plummeted from a freeway overpass. Employee suffered burns over 60% of his body and two broken legs, one of which was amputated below the knee. Employee signed a jury waiver as a condition of benefit payments. Employer voluntarily paid benefits in excess of ERISA benefit plan limit, then settled claim. (Added in 2012.)
- <sup>97</sup> Settlement of \$5,000,000+ for wrongful death in a manufacturing operation. (Added in 2009.)
- <sup>98</sup> Employee was electrocuted while performing electrical work. Unsafe workplace alleged along with improper training. Suit filed, claim settled. (Added in 2006.)
- <sup>99</sup> Court judgment. Employee lost 7 fingers in premature detonation of an explosive device. Employer did not provide a demolition plan that included a procedure for the blast. No pre-trial settlement negotiations. (Added in 2007.)
- <sup>100</sup> Employee was fatally electrocuted while repairing equipment. Thrown 15-20 feet, employee attempted to speak and get up prior to dying at the scene. Employee was married with three dependents. No ERISA plan in place at the time of the accident. Allegations of negligence and OSHA violations against multiple defendants. Three defendants settled for confidential amounts (apparently in excess of \$3 million) prior to trial. (Added in 2007.)
- <sup>101</sup> Experienced truck driver fell off a truck resulting in brain injury and broken bones. A large part of the damages was for future care. Stowers demand allegedly blown. Verdict was appealed and upheld. (Added in 2013.)
- <sup>102</sup> \$15 million verdict resolved for \$6 million based on pre-verdict "high-low" agreement. Amputated leg, broken hip. Poor safety program led to punitive damage award.
- <sup>103</sup> Logger lost big toe and suffered nerve damage in chainsaw accident. In a second incident, after supervisor told him to jump up and down on a branch to dislodge stuck saws, he fell and broke right leg. Developed RSD. (Added in 2007.)
- <sup>104</sup> Settlement for an employee in his 20's who had an accident-related amputation of a leg and a testicle. (Added in 2008.)
- <sup>105</sup> Jury verdict arising from a 2009 claim when truck brakes disengaged while driver was repairing them as previously shown by a supervisor in what was said to be a common practice allowed by the company. Employee was dragged 16 feet and suffered multiple severe injuries. Includes \$3.5M pain and anguish, \$2.5M disfigurement, and \$2.5M physical impairment. Jury award. Employer has no arbitration program. (Added in 2012.)
- <sup>106</sup> Employee suffered multiple injuries when he was electrocuted. He lost an arm, leg and a portion of his skull.

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<sup>107</sup> Burns. Reported in brochure of one of Dallas' best plaintiff lawyers.

<sup>108</sup> 51 y/o long term distribution center maintenance employee fell about 20 feet from a catwalk sustaining ASIA B incomplete C5 tetraplegia with neurogenic bowel and bladder. Life care plan required 24 hour care with future medical cost projections between \$4.5 million and \$9 million. Settled at mediation. (Added in 2015.)

<sup>109</sup> \$11,293,080 Atascosa County verdict in 2010 against an employee leasing firm that misrepresented nonsubscriber program as workers' compensation; fraud and breach of contract. Actual damages \$2,823,279 and additional damages \$8,469,810 arising out of the 2005 fatality were awarded to decedent's spouse and the company using the leased employees. (Added in 2010.)

<sup>110</sup> Electrocution of two employees using a lift to clean screens on a building when the lift hit an outdoor power line. One employee had third degree burns over 60% of his body and the other has permanent brain damage wherein he cannot recall the prior day's activities. Settlement prior to mandatory contractual arbitration. Employer was pleased with the outcome. (Added in 2012.)

<sup>111</sup> Judgment of \$12,450,000 for 16-year-old employee with crushing injuries to both hands in 2005. No arbitration agreement in place. Employee was underage to operate dangerous machinery per OSHA rule on Hazardous Occupations, and was told to clean the machine while it was running. Later reduced to \$10.6M. (Added in 2007.)

<sup>112</sup> \$15.3 million Nueces County arbitration award to employee electrocuted when he accessed an electrical control box. \$5,000 benefits paid until released to full work duty and released from medical care 12 days post incident. Subsequent diagnoses include post litigation of TBI, PTSD, post-electric shock injury, etc. Findings of failure to maintain a safe workplace and failure to provide adequate warning of concealed dangers not known to employee. (Added in 2018.)

<sup>113</sup> \$16,000,000 settlement when three young women were severely burned in a structure collapse involving fryer grease. (Added in 2018.)

<sup>114</sup> Employee crushed and asphyxiated at milk plant; failure to train regarding how to safely clear jams from and turn off hydraulic case pusher; warning signs placed on machine by manufacturer painted over by employer; employer modified machine to move the on-off switch where it was effectively hidden; delay in calling 911; OSHA violations; previous similar incident with no remedial measures taken. \$10mil actual and \$7mil punitive damages. Settled for much lower amount pursuant to high/low agreement entered before verdict was returned by jury.

<sup>115</sup> Jury verdict regarding forklift accident resulting in leg amputation. (Added in 2016.)

<sup>116</sup> 28-year-old maintenance man suffered multiple injuries and brain damage upon falling 33 feet through unprotected skylight. Unable to speak and must use walker, he is confined to a nursing home. Verdict. (Added in 2007.)

<sup>117</sup> Employee fell through skylight on roof; employer had no building permit; safety procedures not followed. Jury verdict in Sealy County near Houston.