

Ohio Edison settles wrongful-death suit

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A settlement was reached yesterday in a wrongful death lawsuit brought against Ohio Edison Co. after a construction worker was electrocuted in 1989.

The amount of the settlement was not disclosed. The lawsuit was brought by Danna Thompson of Medina, who had sought \$6 million for the death of her husband, James.

The settlement was announced before a jury was to hear damage claims in the case before Common Pleas Judge Glen Morgan. On Wednesday, the same jury returned a verdict favoring the four plaintiffs in the trial's joint liability phase.

The other plaintiffs, Steven Shelton of Middleburg Heights and Christopher Pearl and Geoffrey Hogan, both of Medina, are suing for personal injuries suffered in the accident. Their damage claims, which are to be heard separately, have not

been settled.

Hogan's \$3.5 million claim is to be heard June 24, Shelton's \$1 million claim is set for Oct. 28 and Pearl's \$750,000 claim is scheduled for Sept. 12.

Rebecca Beal of Springfield Township, jury forewoman for the liability trial, said two jurors disagreed with the majority finding that Ohio Edison was negligent.

She said a deciding factor for her was the National Electric Safety Code, which set minimum standards for the placement of power lines.

The plaintiffs claimed the accident happened because Ohio Edison had placed uninsulated power lines carrying 13,200 volts too close to the building where the plaintiffs were putting up metal siding.

According to testimony, the electrocution occurred as the workers moved a scaffold around the end of the building and it touched the wires.

The jury found in favor of Rustgo Co. of Spencer, Neb., which made the

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scaffold. Rustgo was named in the lawsuit because the plaintiffs claimed its product was defective because it did not provide adequate protection or carry an effective warning label.

"The experts called in were useless," Beal said of expert testimony offered by both sides in the two-week trial. "We didn't even use their testimony (in deliberations). It was too technical."

Timothy Scanlon, the plaintiffs' lawyer, said after the settlement that it was "a tough case."

"The principal defense was that (the plaintiffs) were negligent," Scanlon said. "There was never any question from the start for the basis of our case."

Scanlon praised the wisdom of the jurors because they were able to differentiate among the four plaintiffs and assigned varying degrees of responsibility to the plaintiffs for the mishap. "That means they obviously were paying attention to what they were hearing," Scanlon said.

Ohio Edison can appeal the liability verdict, Scanlon said, but the company cannot appeal the settlement.

Ron Reed, a claims representative with Ohio Edison who attended most of the trial, declined comment on the outcome of the case yesterday.