

July 2024

Know Your Limits

Your Monthly Wrap-up of **Business Losses**

Presented by Winters-Oliver Insurance Agency



Liability

Jury Awards \$9 Million After Water Park Injury

A Connecticut jury awarded a man \$9 million (\$13 million with interest) after he suffered a severe injury at a water park in 2016. The lawsuit claimed chains that anchored a lily pad at the water park's pool cut the man deeply and resulted in nerve damage, infection, swelling, extensive scarring and severe nervous system shock. The plaintiff's attorney said the doctor noted the injured man has complex regional pain syndrome that will worsen over time. Additionally, the attorney reported that the water park's CEO had bought the used lily pads from a defunct water resort and did not know the manufacturer's installation requirements. The chains should have had a thick plastic sheath around them to protect patrons from them and their carabiniers, according to the attorney.

Liability

Injured Worker Awarded Over \$58 Million

A California jury awarded over \$58 million to a trainyard worker who slipped and fell onto the top of a train and suffered a foot fracture in 2016. According to his attorneys, the plaintiff was diagnosed with complex regional pain syndrome, which ultimately forced him to stop working. According to the lawsuit, the worker, an independent contractor working for a different company, was performing electrical repairs at the time of the incident. The lawsuit claimed the worker was called into work at 2:00 a.m. and that his supervisor told him the repairs needed to be finished at 5:00 a.m. The complaint alleged the defendant's negligent attitude toward safety and the unreasonable timeline caused the injuries. The plaintiff's attorneys noted workers had complained about the station's lighting, but nothing was done to remedy it. The award included over \$54 million in compensatory damages and over \$4 million in punitive damages.

Product Liability

Automaker Order to Pay Over \$1 Billion

A U.S. court confirmed a previous jury ruling and notified a Japanese automaker that it must pay over \$1 billion in damages following a 2017 car accident in which a man suffered severe injuries. The plaintiff alleged a defective seat belt design, called a "rip stitch," in a 1992 model of the defendant's car failed to keep him safe. The plaintiff's attorneys also claimed the automaker did not conduct proper tests of the seat belt. The accident left the plaintiff permanently paralyzed. The award includes \$176.5 million in compensatory damages, \$800 million in punitive damages and \$33 million in delay damages. The defendants noted they plan to appeal.

Product Liability

Aerosol Manufacturer Held Liable for Auto Accident and Must Pay \$7.8 Million

A Minnesota federal jury found that an aerosol dust remover manufacturer must pay \$7.8 million to the family of a woman killed in a 2019 car crash. The jury reviewed the evidence that the at-fault driver was driving under the influence from huffing the aerosol and determined the company was 22.5% at fault for the product being in a defective condition and unreasonably dangerous to its users or those exposed to the product. The lawsuit claimed the product contained inadequate warnings and that it was reasonably foreseeable that someone would inhale the product, drive, and harm or kill innocent bystanders. According to studies, the chemical in the product, difluoroethane, can produce several debilitating symptoms—including breathing difficulty, loss of consciousness and irregular heart rhythms—and cause fatalities. The sheriff seized an aerosol can of the dust remover and receipts for multiple cans from the driver's vehicle. The driver, who was deemed to be 77.5% at fault, was also convicted of criminal vehicular homicide and sentenced to six years in prison. The chemical manufacturer plans to appeal.