

\$2,900,000

Titanium Fire
NEGLIGENT SAFETY SURVEY

FACTS: Two workers at a grinding facility were cleaning a tank containing titanium metal shavings. One of the workers was using a pitchfork to pick up the shavings. When the pitchfork struck the bottom of the tank, a spark occurred causing the contents of the tank to catch fire, burning both workers.

CONTENTIONS: Plaintiffs contended that an independent company who was hired by their employer to establish an OSHA safety training program had conducted an inadequate survey of the facility and failed to advise their employer that spark proof (non-ferrous) tools needed to be used to clean the subject tank. Defendant claimed that evaluation of the subject tank was not part of its responsibility, that it provided a safety manual which contained proper confined space procedures and that the employer failed to train its own employees on such procedures.

INJURIES: One worker sustained burn injuries to approximately 25% of his total body surface. The other worker sustained burn injuries to approximately 75% of his body surface and later died from his injuries.

ADDITIONAL INFORMATION: Plaintiffs settled for the total sum of \$2,900,000.00. The Plaintiff-In-Intervention waived its workers compensation lien of approximately \$600,000 due to employer negligence.

SZPOJDA v. SAFETY COMPLIANCE INSTITUTE, ET AL.

CASE NUMBER: VC 035521

LOS ANGELES SUPERIOR COURT