

\$20,375,000

Aviation Gasoline Truck Fire
PRODUCT LIABILITY

FACTS: Plaintiff, a fuel attendant at an airport, was using a 1985 Ford F800 aviation gasoline refueler with a cargo tank capacity of 2400 gallons. While uploading fuel into the cargo tank on the vehicle, Plaintiff received a radio call indicating that there were two additional planes which he needed to fill before ending his shift. Plaintiff filled up the cargo tank on the refueler to maximum capacity. As he was climbing down from the cargo tank, he inadvertently forgot both dome covers on the cargo tank in the open position. He got into the truck and started driving to the airplanes he was asked to fill. As he approached one of the planes, he noticed that the fill hoses on the truck were facing the wrong side of the airplane so he decided to make a u-turn. As he slowed and braked to make his u-turn, fuel in the cargo tank sloshed out of the open dome covers and poured into the cab of the truck through the open driver's window and soaked him. Vapors from the aviation gasoline were ignited by the engine and the truck burst into flames.

CONTENTIONS: Plaintiff conceded that he was negligent. The airport (employer) had a "27 Point Checklist" where plaintiff was specifically told to make sure that the dome covers were closed and latched after uploading fuel to the truck. Rather, Plaintiff claimed that this was a foreseeable inadvertent misuse of the product. Plaintiff claimed that NFPA 407 Section 2-3.13.1 provided that dome covers shall automatically close and latch with forward motion of the vehicle. Plaintiff argued that if the subject refueler had the dome covers required by NFPA 407 that the accident would have never occurred. Defendants claimed that the refueler was not subject to the NFPA requirements, that the section of the NFPA upon which plaintiff relied only applied to refuelers which were "top loaded" (filled through the dome covers) and not trucks which were bottom loaded like the subject truck, and that the subject truck was a 1985 Ford F800 which was not subject to NFPA 407. Further, Defendants claimed the accident was entirely the fault of the plaintiff for leaving the dome covers open.

INJURIES: Second and third degree burns to approximately 40% of his body surface.

MCKAYE v. CHEVRON, ET AL.
CASE NUMBER: : MC 020183
LOS ANGELES SUPERIOR COURT