

\$38,200,000

High Voltage Electrical Explosion **PREMISES LIABILITY**

FACTS: Plaintiffs were working on a remodel project at a shopping center. Over the years, defendant made numerous changes to the structure. As a result of these changes, the switch to disconnect the electrical power to the foodstore was left in an electrical equipment room, which was in a separate store, under separate management, approximately 750 feet away from the electrical panels for the foodstore. While performing their work, plaintiffs encountered a “jumper wire” in a 480-volt electrical panel. In order to complete their work, plaintiffs needed to remove the jumper wire so they turned off all of the switches in the foodstore and believed the power was off. The power was not off, since, unbeknownst to them, the only switch to disconnect power to where they were working was located next door. While attempting to remove the jumper wire with a screwdriver, a ground-fault explosion occurred, causing an instantaneous fireball.

CONTENTIONS: Plaintiffs contended that defendant was responsible for all of the modifications and changes over the years which resulted in several violations of the National Electrical Code. The plaintiffs further contended that the electrical panels in the foodstore were not labeled properly nor had any warnings to warn of this unusual condition. The plaintiffs also contended that defendant was responsible for maintaining the entire property, including the electrical systems.

INJURIES: Plaintiff Kolodziej sustained second and third-degree burns to approximately 60 percent of his body. Plaintiff Luczak sustained second and third-degree burns to approximately 40 percent of his body.

ADDITIONAL INFORMATION: Plaintiffs settled with other parties before trial for \$3.6 million. The judgment against K-Mart was affirmed in full on appeal. Including interest and costs, Plaintiffs collected over \$38.2 million.

KOLODZIEY v. K-MART CORPORATION, ET AL.

CASE NUMBER: GC012107

LOS ANGELES SUPERIOR COURT