

\$5,100,000

Portable Gas Can Fire
PRODUCT LIABILITY

FACTS: Steven Diaz had just turned 2 years old. He was living with his parents and grandparents. They were renting a single family home with an attached garage. A refrigerator, water heater and washer and dryer were located in the garage. While in the garage, Steven knocked over a small plastic gas can which was used for the lawnmower. The gas can had only a few ounces of gasoline in it. The gasoline spilled on the garage floor. The flammable vapors from the gasoline were ignited by the pilot light and/or burner on the water heater which was located nearby, resulting in a fire. Steven was caught in the fire and sustained burn injuries.

CONTENTIONS: Plaintiffs claimed that the portable gas can was defective in design for failure to have a child resistant closure (cap) on it. Plaintiffs claimed that the Poison Prevention Packaging Act required all harmful and/or hazardous household substances to have a child resistant closure, however the manufacturers of portable gas cans found a loop-hole in the law and have been allowed to manufacture their gas cans without a child resistant closure since the cans do not “contain” any substance when they are manufactured. Plaintiffs further claimed that the water heater was defective in design for failure to have a flame arrestor which would prevent the pilot and/or burner from igniting the flammable vapors. Defendant gas can manufacturer claimed that they are not required to have a child resistant closure on the gas can and that such design was not feasible at the time the can was manufactured. Defendant water heater manufacturer claimed that the source of ignition was not the water heater but rather a gas fueled dryer which was located nearby. Both defendants claimed that the cause of the accident was not the gas can and/or water heater but rather the failure of the mother to properly watch her son and she allowed him to play in the garage where there were numerous items which were hazardous to a young child.

INJURIES: Burn injuries to approximately 40% of the body surface of a two year old child.

ADDITIONAL INFORMATION: This case was featured on CBS The Early Show (National television). As a result of the response to this case, the United States Congress introduced the Children’s Gasoline Burn Prevention Act mandating that all portable gas cans manufactured in the United States have a child resistant closure. Over 40 members of the House of Representatives from a variety of states supported this Bill.

DIAZ v. EAGLE MANUFACTURING, et al.
CASE NUMBER: BC 292673
LOS ANGELES SUPERIOR COURT