

\$65,400,000

Plastic Gas Pipe Failure **Product Liability**

FACTS: Plaintiff, a 20 year old female from Mexico, moved to California to live with her boyfriend and their baby. They found a house to rent where the owner rented out individual rooms in his home. The owner told them that he had converted his garage to a living space and they could live in the garage temporarily at a discounted rate until a room became available in the house in a few weeks. They moved into the garage. The next morning the owner of the home went out early to pick up coffee. Plaintiff got up while her boyfriend and baby were still sleeping. Plaintiff was brushing her hair in a mirror in the garage when the owner returned home and opened the front door to the house and a large explosion occurred. The explosion lifted the roof of the house up off the walls and dropped it down about 3 feet out of place. Debris from the explosion was found over 150 feet from the house. The explosion shattered the windows in homes of several neighbors who called 911 and reported the explosion as feeling like an earthquake. The fire department found a natural gas leak in the street in front of the home. A two-inch diameter plastic pipe which had been manufactured in the late 1960's was being used by the gas supplier as a main gas distribution line and was buried about 3 feet under the street in front of the home. The pipe was dug up and preserved. During the litigation, the pipe was taken to a lab for analysis. In the lab, numerous small cracks were found in the plastic pipe that were due to "slow crack growth" where tiny cracks had initially formed on the inner surface of the pipe many years earlier and those small cracks had slowly propagated through the wall of the pipe and caused it to leak.

PLAINTIFF'S CONTENTIONS: Plaintiff contended that Defendant Gas Supplier received a letter from Defendant Pipe Manufacturer more than 20 years before the incident indicating that some of their plastic pipe manufactured in the late 1960's was susceptible to slow crack growth. Defendant Gas Supplier did not know exactly where it had installed that specific plastic pipe which could fail so it decided to do periodic leak tests and only replaced the pipe after it had failed and had leaked gas. Plaintiff contended that this "Run to Failure" approach adopted by Defendant Gas Supplier was totally unacceptable from a safety standpoint. Plaintiff also contended that Defendant Pipe Manufacturer should have recommended to Defendant Gas Supplier that any plastic pipe made in the late 1960's which could fail due to slow crack growth be immediately removed and replaced with a later generation of plastic pipe that was not susceptible to slow crack growth.

DEFENDANTS' CONTENTIONS: Defendants contended that the explosion was not due to a natural gas leak and it was instead a propane explosion caused by the numerous propane cylinders being used by the homeowner at the house. Defendants contended the garage was illegally converted by the homeowner to a living space without permits and if the explosion was due to a natural gas leak then the leak was the result of the improper modifications made by the homeowner to the gas pipes located inside the home. Defendants contended that the plastic pipe was buried 3 feet under the public street far away from the house and natural gas could not have migrated that far into the house. Defendants also contended that Arson investigators from the County Fire Department and investigators from the California Public Utilities Commission (CPUC) and District Attorney Office who had all investigated the incident did not conclude that the plastic pipe being used as a main gas distribution line located under the public street in front of the home had leaked and caused the explosion. Defendants also contended that the CPUC has exclusive jurisdiction over the rules and regulations related to gas transmission lines and defendants are therefore immune from a private lawsuit by Plaintiff against them in Superior Court.

INJURIES: Third degree burns to 80% of total body surface area including head, face, lips, ears, anterior and posterior torso, and legs.

ADDITIONAL INFORMATION: This is the largest result ever in the United States involving a burn injury.

PLAINTIFF V. GAS SUPPLIER AND PIPE MANUFACTURER
CASE NUMBER: CONFIDENTIAL
LOS ANGELES COUNTY SUPERIOR COURT