

\$800,000 RECOVERY - NEGLIGENT INSTALLATION OF ELECTRIC RANGE POWER CORD - FAILURE TO PROPERLY GROUND POWER CORD - ELECTRIC SHOCK - HYPEREMIA (INCREASED BLOOD FLOW) TO RIGHT FOREARM - PHOTOPHOBIA (LIGHT SENSITIVITY) OF RIGHT EYE.

Philadelphia County

The plaintiff, a 38-year-old housekeeper, claimed that she was cleaning the apartment at an assisted elderly care facility when she received a shock from the electric range. The defendants included the electrical subcontractor and the construction company which retained the subcontractor to connect the electric power supply cords to the appliances installed in the apartments. The plaintiff claimed that the power cord to the electric range was negligently installed and was not properly grounded, causing the electrical shock to the plaintiff. The defense denied that there was any defect in the installation of power cord to the electric range at issue.

The plaintiff was employed by the assisted elderly care facility and part of her job responsibilities required her to houseclean apartments of several of the residents. On June 11, 1998, the plaintiff was in the kitchen of one of the apartments wiping down a formica countertop with a damp rag in her right hand when she claimed to have experienced an electrical shock to her right hand. The evidence revealed that maintenance workers subsequently pulled the electric range away from the wall and examined the power supply cord connection. The plaintiff contended that the workers discovered that the power supply cord had been miswired to the range.

The apartment unit where the incident occurred had been recently completed as part of an expansion project about a year earlier. The defendant electrical subcontractor was hired by the defendant construction company to perform the electrical work and was paid additional money to connect the electric power supply cords to new appliances eventually installed in the new apartments.

The plaintiff's electrical expert contended that the defendant electrical subcontractor was negligent in the manner in which it connected the power supply cord to the electric range by failing to properly ground the appliance to neutral. The plaintiff claimed that the lack of proper grounding violated the National Electric Code and Project Specifications issued for this construction project. The plaintiff alleged that her electric shock resulted when she completed the circuit by leaning up against the electric range while reaching with her other hand to wipe down the countertop which contained a metal molding strip.

The plaintiff's medical experts reported that the plaintiff suffered hyperemia (increased blood flow) of her right forearm as a result of the shock, a variant of reflex sympathetic dystrophy. The plaintiff also claimed that she developed photophobia (light sensitivity) in her right eye stemming from the incident. Her medical expenses were \$21,000 and she claimed lost wages and loss of earning capacity in the amount of \$162,824.

The defendants denied any liability and claimed that the electric range had been installed in the apartment for more than one year prior to the plaintiff's alleged incident without prior complaints from residents or past housekeepers. The defendant electrical subcontractor further contended that even assuming the power supply cord was miswired, the electric range would have caused the circuit breaker to trip once the electric appliance was turned on. The defense additionally stressed that the plaintiff was able to return to work the same day of the incident and continued to work without medical restrictions for several months before she quit to pursue another job.

The defense further disputed that the plaintiff suffered from an RSD variant, arguing that a number of diagnostic tests were all negative and that her own treating physicians failed to consider this diagnosis. The defense related the plaintiff's alleged injuries to emotional problems unrelated to the accident including marital difficulties, a history of depression and existing stress and anxiety.

The case was settled prior to trial for a total of \$800,000.

REFERENCE

Plaintiff's psychiatrist: Dennis Ivill from Upland. Plaintiff's emergency/electrical engineering expert: Raymond Fish from Urbana, Ill. Plaintiff's electrical engineer: James Peserik from Coopersburg. Plaintiff's neuro-ophthalmologist: Dr. Eric Singman from Lancaster. Plaintiff's vocational expert: Ronald Rosenberg from Philadelphia.

Chiles vs. Defendants. Case no. 00-03-3476; Judge Sandra Moss, 9-14-01.

Attorney for plaintiff: Richard M. Jurewicz of Galfand Berger, LLP, in Philadelphia.

COMMENTARY:

The defendants disputed that the electric range was the source of the electrical current by which the plaintiff was shocked, stressing that the electric range had been in place and the apartment occupied for more than a year without complaint before the alleged mishap. The plaintiff countered that there was a logical explanation for why no one had previously suffered an electrical shock. The plaintiff's electrical experts were prepared to testify that incidental contact with the electric range would not have resulted in electrical shock, unless a person completed the circuit by coming in contact with another metal source which was grounded. The plaintiff claimed that the other source of metal was the metal molding strip which ran along the back of the formica countertop. The physical evidence revealed that there were scratch marks on the back of the electric range coinciding with the end of the metal countertop molding strip. With the help of this important clue, the plaintiff was able to reconstruct the accident to show that the plaintiff actually suffered her electric shock when she leaned against the electric range and the back of the range came in contact with the metal molding strip. The plaintiff argued that her left hand then came in contact with the stove while her right hand was wiping down the countertop and touched the metal molding strip, completing the electrical circuit and