

Water Heater Flashback Fire Leads to \$15,650,000.00 Settlement for Construction Laborers

MDR partners Albert E. Durkin, Marty Lucas, and Scott H. Rudin obtained a settlement totaling \$15,650,000.00 for three workers injured while performing construction in a townhouse in suburban Chicago. The three laborers were using a glue removal chemical in the basement of the unit. Vapors from the chemicals for the glue removal migrated to a water heater in an adjacent utility room. The pilot burner ignited the vapors causing a fire to flashback into the work area. One worker suffered 3rd degree burn injuries over 70+% of his body. He died ten days later in intensive care. He left behind 4 minor children. A second worker suffered 3rd degree burn injuries over 75% of his body, spent over a year in a hospital and underwent dozen of surgeries on his face, arm and chest due to severe scarring. The third laborer suffered 3rd degree injuries over 21% of his body.

MDR filed a product liability and negligence lawsuit against the water heater manufacturer, the property manager, and the manufacturer and distributor of the glue removal chemical. Flashback fires from chemical vapors were well-known to the water heater industry. The industry had a design available to prevent these fire hazards but did not implement it when this water heater was made. The property manager, a large nationwide company, failed to have the natural gas turned off prior to the work starting in the unit and failed to replace the water heater with a new model which prevents there fires.

MDR attorneys Albert E. Durkin, Marty Lucas, and Scott H. Rudin took over 40 depositions of witnesses. And Defendants hired 7 experts to try to avoid responsibility for these injuries. But one week before trial, the entire case was settled at mediation.

In addition to the \$15,650,000.00 settlement, medical benefits will continue to be paid through worker's compensation for one client, and worker's compensation death benefits will continue to be paid to the children of the deceased client.