**William/Wilma Taylor v. Northwest Electric Co.[[1]](#footnote-1)©**

**COMMON FACTS**

On May 16, 2002, while working for Bennett Home Improvement, Inc. (BHI), William/Wilma was replacing siding on a house located at 3301 S. Lincoln in Sioux City, Iowa. S/He was working on the project with four others. At the time of the accident, William/Wilma was working on the north side of the house on a scaffolding platform. S/He reached down and pulled up a piece of siding leaning against the house and raised it to the upper part of the wall. S/He suddenly was electrocuted and knocked unconscious. The bolt of electricity came from a high voltage electric line (13,200 volts). The bolt of electricity arced or jumped from the line to the piece of siding William/Wilma was holding. William/Wilma fell down on the scaffolding. The electricity that entered his/her body exited through his/her stomach and feet, causing severe burns on his/her hands, stomach and feet. The electricity that ran through William’s/Wilma’s body melted the rubber on his/her shoes. As a result, co-workers had to peel the melted rubber off his/her feet. S/He has lost his/her big toe on his/her right foot, and two small toes and part of the arch and instep on his/her left foot. S/He also has permanent burn holes/marks on his/her abdomen.

S/He was transported to the Sioux City Medical Center where he/she was hospitalized for one month. On his/her release he/she was restricted to a wheelchair for several weeks because he/she could not put pressure on his/her feet. S/He continues to experience pain in his/her hands and has a whole person impairment rating of 40% directly related to the severe burns William/Wilma received.

William/Wilma has retained the world’s leading forensic electrical engineering expert to support his/her opinion that Northeast Electric Co. (NEC) violated the National Electrical Safety Code’s (NESC) requirement of safeguarding persons doing installation, operation or maintenance of electrical supply lines. More specifically, because the power lines ran between the house in question and an adjacent house and was too close to both, this created an unreasonable hazard.

NEC defends on the ground that the power lines in question were installed before the two houses in question were constructed. Under the law, it was grandfathered in and was not required to change its lines, although today they would not be in compliance with NESC standards. It also defends on the ground that William/Wilma knew of the hazard and even warned his/her co-workers to be careful. Therefore, s/he assumed the risk of working around the wires in question. Also, William/Wilma was comparatively at fault in that s/he failed to work in a safe environment for his/her own protection.

William/Wilma demands $1,200,000 and NEC has offered $60,000. You have been asked to mediate the case.

**SPECIAL** **FACTS – PLAINTIFF**

# Confidential Information for William/Wilma Taylor

William/Wilma wants to settle the case today because s/he now lives in San Antonio, Texas and it is very inconvenient and expensive to keep coming back to Sioux City for depositions and trial. His/her lawyer has explained that s/he was negligent in that the Iowa High Voltage Act provides that a worker should not place a metal object within ten feet of a high voltage line. William/Wilma obviously violated this provision of the Act. The Act also provides that a worker should not place scaffolding within six feet of a power line; William’s/Wilma’s scaffolding was placed within three feet. It also provides that a workman must contact a utility company and inform it that he will be working around its power lines. Neither William/Wilma nor his/her fellow employees did this. William’s only response if that s/he was unaware of the law. His/her lawyer has informed him/her that he could easily be found more than 50 percent at fault, which means s/he cannot recover.

William’s/Wilma’s expert admitted in deposition that William was working in a very unsafe environment. The inference this creates is that he assumed the risk of being electrocuted.

William’s/Wilma’s lawyer states s/he has less than a fifty percent chance of winning his/her case and recovering something. William/Wilma understands this and wants to settle at all costs.

**SPECIAL FACTS - DEFENDANT**

# Confidential Information for Northeast Electric Co.

NEC is rather confident that it can win the case. However, it does have three overriding concerns. The code today requires a seven-foot clearance between both houses in question. There is no way NEC could comply with this requirement, and if the jury found it was not grandfathered in because of the safety hazard, it could lose the case. If liability is established, it feels the jury will give William/Wilma a substantial amount of money – as much as $750,000.

Second, if the jury rules against NEC for emotional reasons, this would require that NEC change much of its power line system which would cost millions of dollars. Failure to do so, especially if there is another accident, would result in serious punitive damages.

Third, the power lines as presently installed are in fact in violation of the Code. Although the line is in compliance with the house William/Wilma was working on – more than three and one-half feet away, it is not in compliance with the adjacent house; it is only two and one-half feet away, which is one foot too short. Thus, its power lines, which are considered one installation, violate code since the houses were built and NSC did nothing to correct it.

NEC has instructed its representatives to get this matter settled even if it has to pay as much as $450,000 or more.

1. © Copyright 2005 American Mock Trial Association [↑](#footnote-ref-1)