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Negligence -- \$7,600,000.00



JUDGE DAVID PEEPLES
224TH - 98-CI-00318
BEXAR COUNTY
SAN ANTONIO, TEXAS
DATE OF VERDICT: 5/30/01

Edward Sanchez, Individually, and on behalf of the Estate of Betty Jean Sanchez and Raul X. Villacreal as Guardian of Christine Lisa Sanchez

And

Fernando Cabello and Sylvia Estrada
vs.

Spaw-Glass, Inc., M & M Contracting of Texas, Inc., Austin Bridge & Road, Inc., and Mica Corporation

PLAINTIFF COUNSEL: Hall & Bates, LLP from San Antonio, TX, By: Tom Hall and Harry S. Bates for Edward Sanchez and Christine Sanchez; Law Offices of Luis R. Vera, Jr. & Associates, PC from San Antonio, TX, By: Luis R. Vera, Jr. and Lavonne Brittingham for Sylvia Estrada

DEPENDANT COUNSEL: Werstein & Associates from San Antonio, TX, By: Richard Werstein and Dan Diaz for Mica Corporation; Brock & Person, PC from San Antonio, TX, By: Ricardo R. Reyna and George Tucker for Spaw-Glass, Inc.; Wright & Greenhill, PC from Austin, TX, By: Ross Pringle and Thomas J. Mitchell, III for M&M Contracting of Texas, Inc.; Black & Con-

nolly, LLP from Austin, TX, By: Larry Black for Austin Bridge & Road, Inc.

TYPE OF CASE: Negligence - Betty Jean Sanchez, 42 years old, who was an employee of the University of Texas downtown campus, was on her way to work on the morning of January 7, 1999, when she stepped on a cast iron lid covering an electrical pull-box. Because of the manner of installation of the pull-box and the cast iron lid, the lid had come in contact with a 480-volt line energizing high mast lighting towers illuminating the elevated bridge of IH 35 South, causing the electrocution death of Betty Jean Sanchez. At the time of the incident in question, Ms. Sanchez had two children, ages 14 and 18. Plaintiffs sued City Public Service, Texas Department of Transportation, and contractors who were involved in construc-

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tion projects pertaining to the pull-box in question, including Mica Corporation, Austin Bridge & Road, Inc., Spaw-Glass, Inc., and M&M Contracting of Texas, Inc.

INJURY: Death by electrocution

PLAINTIFF EXPERTS:

- E. P. Hamilton - Electrical Engineer - Austin, TX - who testified live
- Dr. Vincent DiMaio - Pathologist - San Antonio, TX - who testified by video deposition
- Dr. JoAnn Murphey - Psychologist - San Antonio, TX - who testified live
- Dr. Everett Dillman - Economist - El Paso, TX - who testified live
- Bob Witter - Electrical Engineer - Albuquerque, NM - who testified by video deposition

AMT PRAYED FOR: \$25,000,000.00

VERDICT: Plaintiff verdict, \$7,600,000.00

NOTES: The jury found Mica Corporation to be 50% liable, M&M Contracting of Texas, Inc. to be 30% liable, CPS to be 15% liable, and TXDOT to be 5% liable, and Spaw-Glass, Inc. to be 0% liable



San Antonio Express-News

SERVING SOUTH TEXAS SINCE 1865

Electrocuted woman's family gets millions



Juror Greg Moore hugs Sylvia Estrada on Wednesday after a jury awarded her \$303,000 for being shocked when she touched Betty Jean Sanchez, who was killed.

Two contractors, CPS and DOT held responsible for 1999 death near UTSA Downtown Campus.

BY KATE HUNGER
EXPRESS-NEWS STAFF WRITER

Betty Jean Sanchez was walking to work on a winter morning two years ago when she was electrocuted. On Wednesday a Bexar County jury awarded her two children almost \$7.6 million after finding two contractors, City Public Ser-

vice and the Texas Department of Transportation responsible for her death.

The jury also awarded \$303,000 to Sylvia Estrada, a co-worker who was shocked when she touched Sanchez.

How much of the damages each defendant is to shoulder will be determined at a hearing to be held in a few weeks.

According to court records, CPS and the Transportation Department settled with Sanchez's children for \$2.5 million and \$8,000, respectively.

Estrada's lawyers said their client received \$7,000 from CPS and \$1,000 from the Trans-

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Electrocuted woman's family gets millions

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portation Department.

District Judge David Peoples ruled these settlements will be subtracted from the jury's verdict.

Sanchez, 33, was electrocuted Jan. 7, 1999, while walking to her job as a custodian at the UTSA Downtown Campus.

The source of the electric current came from a concrete box below the sidewalk that was covered by a cast-iron lid, said Harry Bates, an attorney for the Sanchez family.

The box contained spliced wires that powered the lighting system along the elevated portion of nearby Interstate 35. The insulation on a wire was worn and the wire was touching the metal lid, he said, adding that the lid hadn't been grounded and became electrically charged.

An electrical engineer testified that Sanchez lost control of her muscles when she walked into an electrical field on the sidewalk at Durango Boulevard and Pecos la Trinidad. She then fell on the metal lid.

In its unanimous verdict, the jury in 23rd District Court split the blame among four of five defendants.

Mica Corp., which the plaintiffs alleged improperly installed a box containing wiring for a lighting system, shouldered 50 percent of the blame in the verdict.

The jury found M&M Contracting of Texas Inc., the demolition subcontractor hired to tear up the sidewalk during the UTSA Downtown Campus pro-

ject, responsible for 30 percent of the damages. M&M was hired by Spaw-Glass Contractors Inc. The plaintiffs claimed M&M workers lowered the box, bringing the metal lid closer to the wires.

The jury found CPS 15 percent responsible, and the Transportation Department 5 percent responsible.

Jurors found no fault against Spaw-Glass, the general contractor on the UTSA project.

The verdict came 2½ years after 16-year-old Christine Sanchez lost her mother, a woman who raised two children by herself and volunteered at the Raul Jimenez Thanksgiving Dinner.

"I'm happy it's over," she said of the trial.

She stood with red eyes next to her 20-year-old brother. A pendant on her purple blouse read "God bless Mom."

The two-week trial delved into the history of construction projects in the area around the box, dating to the mid-1980s. The Sanchezes' lawyers faulted several contractors that worked on three projects near the box over the years.

Mica attorney Richard Weinstein said Mica didn't install the box. He called the verdict devastating, and said the work was done so long ago it was hard to disprove the allegations.

M&M attorney Ross Pringle Jr. called the verdict disappointing.

"We worked around (the box) — didn't touch it, didn't open it," he said.

CPS was sued because it had an agreement with the city to maintain the box and should

have noticed the problem, Bates said.

He said the Transportation Department owns the equipment and was sued because it hired Mica. But in his closing arguments Tuesday, Bates had urged the jury to place 80 percent of the blame on Mica and none on CPS or the Transportation Department.

"We felt like the jury considered all the evidence and found the appropriate parties responsible," Bates said.

CPS attorney Richard Danysh declined to discuss the case, citing a confidentiality agreement. But he said had there been a complaint, CPS would have addressed the problem. He said the box has been disabled.

In addition to the \$8,000 settlement with Sanchez's children, the Transportation Department agreed to pay \$1,000 each to Estrada and another person who claimed to be shocked when they touched Sanchez, spokeswoman Ximena Copa-Wiggins said.

Tom Hall, another lawyer for the Sanchezes, had urged jurors to deliver a colossal verdict.

"If it hadn't happened to Betty Jean Sanchez, it would have happened to someone else," he told jurors Tuesday.

Sanchez's son and daughter stood quietly outside the courtroom after the verdict. They urged other children to cherish their parents knowing their time together could be cut short.

"Take care of your parents," Edward Sanchez said. "Always say you love them."

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