

# Verdicts & SETTLEMENTS



## WORKPLACE SAFETY

### Jury awards damages to families of Oklahoma oil rig fire victims

In January 2018, a blowout and well fire occurred on the Pryor 1H-9 oil rig, trapping five men—including Josh Ray, 35, and Cody Risk, 26—inside a so-called doghouse, a safehouse within

the rig supposedly designed to provide protection in a fire. Unable to escape, the men died from thermal burns and soot inhalation. Ray had been a driller and is survived by his wife and minor child. Risk had been a floor hand and is survived by three minor children.

Ray's wife and Risk's estate sued Red Mountain Energy, the operator of the oil well; Crescent Consulting, a reported agent of Red Mountain that supplied workers to oversee the operation; drilling company Patterson UTI; and National Oilwell Varco (NOV), which designed the rig's mud program to ensure safe drilling of the well. All defendants except NOV settled with the plaintiffs.

The plaintiffs pursued negligence and wrongful death claims against NOV, alleging that the doghouse was not designed with fire protectant properties and lacked a fire-safe emergency door, among other claims. The plaintiffs also alleged that the mud NOV had supplied was not dense enough to control pressures during drilling operations. The plaintiffs claimed \$2 million in economic losses for Ray and \$1 million for Risk.

The jury awarded \$20 million, apportioning liability at 60% to Red Mountain Energy and Crescent, 30% to Patterson UTI, and 10% to NOV.

**CITATION:** *Brite v. Nat'l Oilwell Varco*, Nos. CJ-2018-90, CJ-2018-91 (Okla. Dist. Ct. Pittsburg Cty. Jan. 27, 2020).

**PLAINTIFF COUNSEL:** AAJ member David Rumley, AAJ member Jeff Wigington, and Joe Dunn, all of Corpus Christi, Texas.

### Improper training regarding trench safety

M Construction, Ltd., was performing utility construction, including digging a nine-foot trench to place pipes underground. The company's foreman instructed employees to enter the trench to dig under a pipe.

The unprotected trench collapsed, killing Rigoberto Tovar, 25, an M Construction employee. Tovar is survived by his wife and stepdaughter.

Tovar's wife, individually and on behalf of his estate, sued M Construction, Ltd., alleging it negligently ordered its employees to work in an unprotected trench and failed to properly train workers on trench safety. The plaintiffs contended that the defendant failed to comply with OSHA regulations requiring protections such as trench boxes or shields that prevent trench collapse. The plaintiff did not claim lost income.

The jury awarded \$3.42 million.

**CITATION:** *Tovar v. M Constr., Ltd.*, No. C-715-10-A (Tex. Dist. Ct. Hidalgo Cty. Jan. 31, 2020). **PLAINTIFF COUNSEL:** AAJ

members Michael Cowen and Malorie Peacock, both of San Antonio; and AAJ member Roberto Salazar, McAllen, Texas.

**PLAINTIFF EXPERTS:** Jerome Spear, workplace safety, Magnolia, Texas; and Lee Ann Grossberg, forensic pathology, Houston. **DEFENSE EXPERT:** Hugo Martinez, construction company standard of care, Mission, Texas.