

# Improper Electrical Wiring Results in Worker's Death

In September 2005, 43-year-old Sam Smith (not his real name) headed off to work as an appliance installer. Sam, married and father of two little girls, was looking forward to celebrating his youngest daughter's birthday after work. Sam and his employer drove to Clermont, Florida, to install appliances in a newly-constructed home. Sam was installing a dryer vent on an interior wall of the home's laundry room when he felt a shock. His employer flipped the circuit breaker for the electrical line that brought power into the laundry room, thinking this would prevent any further problems. Shortly after, the employer heard Sam scream. He ran back into the laundry room and found Sam standing with his left hand on the dryer and his right hand on the dryer's metal vent hose. The hose was connected to the exhaust hood which was attached to the back wall. Sam was trembling and screaming as electrical current coursed through his body. Sam's employer ran for help. The employer and some of his crew returned to the room and found Sam collapsed on the floor. They applied CPR in an attempt to revive him as they waited for an ambulance. He was taken to a local hospital, but it was too late. Sam was pronounced dead at the hospital.

What neither Sam nor his employer knew when they started the installation was that the project's electrical contractor had failed to properly secure an electrical line to the home's metal framing. Building codes and sound electrical contracting practices require all electrical lines to be firmly secured to the center of metal studs forming the framing of the home. The purpose of this requirement is to prevent the electrical line from being compromised by the screws used to install drywall on the front and back faces of the metal studs. If the wire is not firmly secured to the middle of the stud, a drywall screw could penetrate the wire. This is precisely what happened in this case.

An inspection of the home conducted shortly after the incident revealed the cause of Sam's death. When the interior wall was opened up, it was clear that an electrical wire had never been properly restrained. The drywall contractor failed to see that one of the electrical wires was not properly secured and, during drywall installation, the wire was punctured by two drywall screws. One of the screws penetrated

the wire's protective sheath, making contact with the wire itself. The result was that a portion of the home's metal framework was electrified, including the section of the wall where Sam was installing the dryer vent. The electrical line that was switched off by Sam's employer was a different line than the one damaged by the drywall screw. Turning off power to the laundry room did not stop the flow of electricity to the rest of the house. Sam was completely unaware of the hidden, latent danger that had been created by substandard electrical work.

Sam's widow, Sally Smith (not her real name), contacted SDSBS attorneys **Chris Searcy** and **Jack Hill** and asked them to represent the Smith family. The first task was to determine which entities were legally responsible for Sam's death. The circumstances were complicated, both factually and legally. The drywall contractor's insurer was convinced fairly soon about the enormity of the damages, and their insured's liability for failing to see the unrestrained wire. The insurer accepted SDSBS's demand for the full policy limit of \$1 million.

Because Sam's death occurred while performing work in the course and scope of his employment, recovery against all the culpable parties was made more challenging by Florida's workers' compensation laws. All defendants, to one extent or another, argued that their responsibility for Sam's death was shielded by workers' compensation. The prosecution of the Smith case involved two separate appeals to Florida's Fifth District Court of Appeals on the issue of work-

ers' compensation. Mr. Hill successfully argued that the electrical contractor should not enjoy horizontal immunity pursuant to Florida's workers' compensation laws. The electrical contractor's appeal was rejected by the appellate court. Shortly after receiving the appellate court's ruling affirming the trial court's decision, the case against the electrical contractor was settled for \$2.5 million. During the course of litigation, there were additional settlements with other defendants for confidential amounts. Although the money recovered for the wrongful death of Sam will never be enough to compensate Sally and their daughters for their loss, it will go a long way towards providing for their future. ♦

---

Mr. Hill successfully argued that the electrical contractor should not enjoy horizontal immunity pursuant to Florida's workers' compensation laws.

**The defendant's appeal was rejected by the appellate court's ruling. The case was settled for \$2.5 Million.**

---