

**WORKPLACE SAFETY****Accidents - Wrongful Death - Construction Site****Construction worker crushed under released steel beams****SETTLEMENT** **\$1,785,000.00**

CASE Luisa De La Torre, Individually and as Administratrix of the Estate of Francisco De La Torre, Isidro Jesse Banda, Hiram De La Torre, Individually and a/n/f and Permanent Guardian of the Estate vs. Tribble-Stephens Co., et al

COURT Harris County Probate Court No. 2, TX

JUDGE Mike Wood

DATE 07/17/2000

PLAINTIFF
ATTORNEY(S)

Arthur M. Glover Jr., Glover, Lewis & Prebeg, Houston, TX (Luisa De La Torre, Estate of Francisco De La Torre, Isidro Jesse Banda, Hiram De La Torre)

Thomas J. Leibowitz, Leibowitz & Leibowitz, Houston, TX (Luisa De La Torre, Estate of Francisco De La Torre, Isidro Jesse Banda, Hiram De La Torre, Israel De La Torre, Galileo De La Torre, and Antonia De La Torre)

John P. Leibowitz, Leibowitz & Leibowitz, Houston, TX (Luisa De La Torre, Estate of Francisco De La Torre, Isidro Jesse Banda, Hiram De La Torre, Israel De La Torre, Galileo De La Torre, and Antonia De La Torre)

James B. Lewis, Glover, Lewis & Prebeg, Houston, TX (Luisa De La Torre, Estate of Francisco De La Torre, Isidro Jesse Banda, Hiram De La Torre, Luisa De La Torre)

Matthew J.M. Prebeg, Glover, Lewis & Prebeg, Houston, TX (Luisa De La Torre, Estate of Francisco De La Torre, Isidro Jesse Banda, Hiram De La Torre, Luisa De La Torre)

DEFENSE
ATTORNEY(S)

Andrew T. McKinney, McKinney & Cooper, Houston, TX (Tribble-Stephens Co., Postel-Smith Inc., Postel Contracting Corp. and Vulcraft Division, Nucor Corp., Tribble & Stephens)

Carla Neal, Reid & Associates, Dallas, TX (Tribble-Stephens Co., Postel-Smith Inc., Postel Contracting Corp. and Vulcraft Division, Nucor Corp., Postal Contracting Corp.)

Clinton J. Echols, Smith, Rymer, Moore & Moos, Houston, TX (Tribble-Stephens Co., Postel-Smith Inc., Postel Contracting Corp. and Vulcraft Division, Nucor Corp., Postel-Smith)

Holly C. Fisk, Fisk & Fielder, P.C., Dallas, TX (Tribble-Stephens Co., Postel-Smith Inc., Postel Contracting Corp. and Vulcraft Division, Nucor Corp.)

Nathan M. Rymer, Smith, Rymer, Moore & Moos, Houston, TX (Tribble-Stephens Co., Postel-Smith Inc., Postel Contracting Corp. and Vulcraft Division, Nucor Corp., Postel-Smith)

William Reid, Reid & Associates, Dallas, TX (Tribble-Stephens Co., Postel-Smith Inc., Postel Contracting Corp. and Vulcraft Division, Nucor Corp., Postal Contracting Corp.)

FACTS & ALLEGATIONS Francisco De La Torre, a 47-year-old construction worker, was working at the Edwards Theater site erecting steel on Jan. 19, 1999. Tribble & Stephens was the general contractor, Postel Contracting was the workers' compensation employer, Postel-Smith allegedly also had some management responsibility, and Vulcraft supplied bundles of steel decking.

Mr. De La Torre walked or worked underneath a bundle of steel decking at a time when a coworker was cutting the bands loose from the bundle. The bundle of steel fell, along with the coworker, striking and killing De La Torre and another coworker.

Francisco's estate, his wife (who had been living in Arkansas for the two years prior to his death), his three adult children and his mother (living in Mexico), sued Postel Contracting under the gross negligence exception to the workers' compensation bar; Postel Smith and Tribble & Stephens alleging some management control; and Vulcraft alleging improperly bundled steel decking. Tribble & Stephens eventually crossclaimed against Postel-Smith and Postel-Contracting for indemnity.

INJURIES/DAMAGES Francisco De La Torre died after spending 18 days at Hermann Hospital. His total workers' compensation medical payment was approximately \$70,000. Wife Luisa De La Torre had her own job in Arkansas.

RESULT The case was settled just prior to a pre-trial hearing for a total of \$1,785,000.

PLAINTIFF

EXPERT(S) Gary Kronrad Ph.D., economics
Edward Ziegler P.E., construction

DEFENSE

EXPERT(S) None reported

Attorney's Fees \$645,000

Expenses \$170,000

The remaining \$985,000 was paid to the client and medical providers, if any.