

California Jury Awards \$21M In Rock Crusher Death Case

By **Bonnie Eslinger**

Law360 (March 21, 2018, 7:17 PM EDT) -- A California state jury ordered a North Dakota-based construction equipment supplier to pay \$21 million to the three minor children of a man accidentally killed in a rock crushing machine at the Southern California asphalt facility where he worked.

Following a seven-day trial, jurors deliberated for less than two days before finding on Monday that the design of the rock crusher provided by General Equipment and Supplies Inc. was a "substantial factor" in the death of 34-year-old Rolando Anaya.

The damages, split equally between Anaya's two sons and one daughter, are to compensate for the loss of their father's "love, companionship, comfort, care, assistance, protection, affection, society, moral support and training and guidance," according to the special verdict form.

According to David Shoop of Shoop PC, an attorney for the family, Anaya was pulled into the crusher after his pant leg became entangled in the conveyor belt of the machine. Shoop said that General Equipment had failed to install an emergency stop cord for workers on the chassis of the conveyor, which was required by the California Division of Occupational Safety and Health regulations.

Shoop told Law360 on Wednesday the fact that the accident was preventable made it all the more tragic.

"When part manufacturers make dangerous equipment they've got to do everything in their power to ensure that workers who work around these machines and potentially make inadvertent contact with these machines are appropriately protected," Shoop said during a phone interview. "This was a case where the safeguards were woefully inadequate and there was no chance for this worker to save himself."

Although the jury said the family should be awarded \$30 million total, General Equipment was found to be liable for 70 percent of that amount, \$21 million, with remaining responsibility attributed to The R.J. Noble Co., where Anaya worked. R.J. Noble was not a defendant in the suit, said Shoop, adding that the family reached a worker's compensation settlement with the the company, pursuant to the state's exclusive remedy law.

About a month prior to trial, General Equipment offered the family "a ridiculously low" \$250,000 to settle their suit, Shoop said.

"They said, 'That's it, last, best and final offer, take it or leave it,'" Shoop said. "And then we hit them for multiple multiple millions."

John Kaniewski of Walsworth-WFBM LLP, an attorney for General Equipment, said his client will appeal.

"We're obviously disappointed with the verdict," Kaniewski told Law360 on Wednesday. "There were a number of errors in the course of the trial, excessive damages being one of them."

General Equipment and Supplies Inc. is represented by John A. Kaniewski of Walsworth-WFBM LLP.

The Anaya family is represented by Donald George Liddy of the Liddy Law Firm, and David R. Shoop of Shoop PC.

The case is Johnny Anaya et al. v. Superior Industries Inc. et al., case number BC594187, in the Superior Court of the State of California, for the County of Los Angeles.

--Editing by Stephen Berg.