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Front Page Stories

Plaintiff Recovers \$2.2 Million In Propane Cloud Pileup

A Surry County plaintiff has recovered \$2.25 million for head injuries suffered when her car became part of a 17-vehicle pileup inside a propane gas cloud.

The huge vapor cloud, which drivers described as a wall of cotton, was released when a gas company employee drove off from a propane pump without first removing the hose he had just used to fill his truck. The resulting settlement is believed the largest in Surry County.

Propane, which is heavier than air, turns into a white fog when exposed to cold, rainy conditions - which were present when the accident occurred in December 1992.

The plaintiff's vehicle ran into another car caught in the gas cloud, and then was struck by a large delivery truck. She suffered severe brain injuries causing paralysis, personality changes and a lessened sense of smell. Doctors gave her a 91 percent disability rating.

The gas company initially contended the plaintiff's husband, who was driving her car, was contributorily negligent by failing to stop before entering the cloud, or pulling over after he did so.

However, Raleigh attorney Doug Abrams, who represented the plaintiff, successfully argued the husband reacted appropriately when faced with a sudden emergency. After settling a claim against another driver for \$550,000, the plaintiff got \$1.7 million from the gas company, which was cut off from any possibility of contribution from a third-party defendant.

The company's payout could have been a lot higher, according to Abrams. Although gas near the company's facility exploded, destroying several buildings, the fire didn't reach the highway, he said.

"We later found out a part of the cloud had actually ignited on the road," he said. "If the gas concentration had been any heavier, there could have been a mass disaster unlike any seen in the state. With all those major propane tanks, the explosion would have torn up a square mile of Mount Airy."

The company's only safeguard against that scenario was requiring drivers to put their truck key rings around the filler hose when taking on propane. That would prevent the driver from pulling out with the hose still in place.

But the driver on this occasion didn't do that, saying the plant's safety manager just told him to keep the keys in his pocket, according to Abrams.

"We felt strongly that the defendant should have been doing more in terms of safety," he said. "For example, an inexpensive procedure would be to have a two-person operation, where the driver leaves the keys with his supervisor, verifies the hose is removed and then gets the keys back. That would have given you a fail-safe."

However, the company has not changed its safety procedures since the accident, said Abrams. "They came close to levelling Mount Airy, but the situation today is as dangerous as in 1992," he said.

The case is Cheryl Ann Hager v. Carolane Propane Gas, Inc. (Surry County Superior Court; 93 CvS 380).

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