

MISSOURI LAWYERS WEEKLY

Worker Was Sprayed With Sulfuric Acid

He Sued Manufacturer Of Hose



Maurice B. Graham

\$6.5 Million Settlement

A worker at a lead smelter sued for products liability after he was sprayed with sulfuric acid.

Paul Randen, 55, was a supervisor at the Doe Run smelter in Herculaneum, Mo. Doe Run periodically disposed of sulfuric acid, a by-product of the smelting process, by piping it from on-site storage tanks into barges on the Mississippi River.

On Aug. 10, 2001 Randen and two Doe Run employees were loading a barge with sulfuric acid. About 54 minutes into the loading operation, the 45-foot long Viton lined acid discharge hose ruptured.

Overseeing the loading operation, Randen was standing next to the rupture site and was soaked in sulfuric acid. He managed to warn two Doe Run workers on the barge below, then sought safety in a nearby personnel shed. Seeing that acid was continuing to spray

the area — including the area below where two co-workers were standing — he attempted to close the valve and stop the flow.

Randen turned on the emergency shower, which was located only a few feet from the rupture site, and tried to wash the acid from his body. The source of water for the shower was the river below — and by the time the shower was activated, the water contained sulfuric acid, so Randen unknowingly sprayed himself with contaminated water.

Randen then tried to leave the area over a catwalk leading back to shore, but collapsed on the way. Company personnel and a rescue team from the Joachaim-Plattin Ambulance District provided life saving attention.

He was taken first to Jefferson Memorial Hospital in Festus and then to the burn unit at St. John's Mercy Hospital in St. Louis, where he remained in an induced coma for a good portion of eight weeks. Randen was

discharged from St. John's after 12 weeks in the burn unit and four weeks in rehabilitation. Periodic surgical care continues to provide relief from his scarring and he receives psychological and psychiatric counseling for depression. Randen's medical bills exceeded \$990,000.

Suit was filed against The Home Rubber Company of Trenton, N.J., which made the hose, and Metaflex, Inc., a commercial distributor of hoses in St. Louis County.

Randen claimed that the Viton liner was inappropriately constructed at each of the flange ends of the hose, allowing sulfuric acid to migrate behind the lining and attack the neoprene body of the hose. As a result, he said, the body of the hose itself lost strength, ultimately causing it to fail while under pressure during the barge loading process.

Metaflex argued that it was immune as a seller in the stream of commerce and had no ac-

tive part in the design or manufacture of the hose. Randen claimed that Metaflex representatives had consulted with Doe Run in selecting the most appropriate hose for the acid discharge process. In addition, he said Metaflex was aware of prior Home Rubber Company hose failures, but continued to recommend and supply the hose to Doe Run for use in its acid loading process.

Randen claimed he was no longer able to work and must avoid being out in the heat. He continues to receive medical care for the effects of the acid burns on his body and will also require psychological counseling for the foreseeable future.

The case settled six weeks before trial for \$6.5 million, the maximum amount of aggregate liability insurance coverage for the two defendants. Of the settlement, \$4.75 million was allocated to Randen's injury claim and \$1.75 million to his wife's loss of consortium.

Facts of the Case

Type of Action: Products liability

Type of Injuries: Severe burns from sulfuric acid

Court/Case No./Date: Jefferson County Circuit Court/CV301-7454-CC-J4/November 2003

Caption: Randen, et al. v. Home Rubber Company, et al.

Judge, Jury or ADR: Jury

Name of Judge: Dennis J. Kehm

Special Damages: \$1 million medical expense, \$728,657 lost future wages

Verdict or Settlement: \$6.5 million settlement

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorneys for Plaintiffs: Maurice B. Graham, Gray, Ritter & Graham, St. Louis

Insurance Carrier: Manufacturers Alliance Insurance Company (for Home Rubber); Colony Insurance Company (for Metaflex Sales, Inc.)

Plaintiff's Experts: James England, St. Louis (vocational rehabilitation); Leroy Grossman, St. Louis (economist); David Moore, Naperville, Ill. (engineer)

Defendant's Experts: James Briem, Earth City (engineer); Stephen J. Callen, Ellisville (chemistry); Douglas Mueller, St. Louis (engineer); Mark Newberry, Lakewood, Colo. (engineer)