

## Construction worker receives settlement after burn accident

*Supervisor's blowtorch ignited flammable substance*

By: Jennifer Mann © October 21, 2013

A highway construction worker who suffered second-degree burns in a flash fire has been awarded a \$1 million settlement for his injuries.

The accident occurred at a highway construction site in eastern Kansas where the victim was using acetone to remove reflective adhesive strips from the highway.

Plaintiff's attorney Tom Hershewe, of Dollars, Burns and Becker in Kansas City, said the worker and his co-workers had erected a tentlike structure adjacent to the work site for shelter.

The victim was under the tent, disposing of acetone, when a supervisor working nearby lit a blowtorch. The blowtorch ignited the acetone, burning the victim on his face, arms and legs.

"He was in the hospital for a couple of weeks and then had to have a lot of help at home, including keeping all of his wounds clean and free from infection," Hershewe said.

He said the victim sued the supervisor who lit the blowtorch and the supervisor's insurance company. The insurance company denied coverage, and the supervisor then hired Steve Sanders, of The Sanders Law Office in Kansas City, to represent him.

Hershewe said the supervisor and the victim agreed to waive their rights to a jury trial and agreed to have the court conduct a bench trial.

The day before the bench trial was scheduled to start, however, the supervisor's insurance company settled the case and all claims including the victim's personal injury claims for \$1 million as well as potential garnishment claims, and the supervisor's potential bad faith and failure to defend claims against his insurance company.

Sanders said that, late in the case, the insurance company for the supervisor had a change in strategy.

"It is clear that the insurance company realized the error of its ways" and ultimately decided to do the right thing, Sanders said.

Both attorneys confirmed that the settlement was confidential but declined to elaborate on why, only that all parties had agreed to the terms.

\$1 million settlement

Personal injury, insurance

**Venue:** Jackson County Circuit Court

**Case Number/Date:** Confidential/Aug. 29, 2013

**Mediator:** Michael Manners

**Caption:** Confidential v. Confidential

**Plaintiff's Attorney:** Tom Hershewe, Dollar, Burns and Becker, Kansas City

**Defendant's Attorney:** Steve Sanders, The Law Offices of Steve Sanders, Kansas City

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