

Siemens Avoids Liability For Texas Gas Plant Explosion

By **Michael Lipkin**

Law360, San Diego (November 20, 2014, 8:22 PM ET) -- Siemens Energy Inc. is not liable for a 2011 gas plant explosion that left an electrician severely burned, a Texas state jury found on Thursday, in a verdict that held the plant's owner and an engineering firm responsible for the accident.

The jury awarded plaintiff Randy Rossell \$30 million, finding Southern Union Gas Services 90 percent liable and Saulsbury Industries Inc. 10 percent liable, according to Siemens' attorneys.

But no one will pay the award because Saulsbury had already settled and Southern Union was not a defendant, Alana K. Bassin of Bowman and Brooke LLP told Law360. Texas' worker compensation statute allows immunity from liability barring gross negligence, she said.

"Siemens is very sympathetic to Mr. Rossell, who experienced severe burns as a result of the gas explosion and was in no way at fault," Bassin said. "Siemens always exercised reasonable care in its work at the plant and was not the cause of the incident."

The jury's verdict was 10-2, according to Bowman and Brooke.

An attorney for Rossell did not immediately respond to requests for comment.

Rossell sought to hold Siemens responsible for the blast, arguing it should have known about safety deficiencies when a subsidiary was brought on to develop a safety management program at Southern Union's Keystone Plant.

A compressor at the plant exploded during startup in January 2011, after an operator failed to purge air from inside the machine. Air also leaked through an open vent on suction piping and a valve suffered mechanical failure, according to Rossell.

He alleged Siemens failed to conduct a thorough hazard analysis and that there was no evidence it took reasonable steps to implement a standard-compliant safety program that could have prevented the hazards that led to the accident.

Saulsbury was also initially a party to the January 2013 suit over modifications it was contracted to make to the compressor's piping. Rossell claimed piping vent lines were not contained to prevent a potential hazard and that Saulsbury did not update a vibration study after its work. Even if not requested, an engineering firm has to perform that analysis to meet the standard of care, Rossell argued.

Rossell is represented by Jeffrey L. Befort of Befort Law Firm PC, J. William Weinacht of The Weinacht Law Firm and Jon J. Bailey of The Bailey Law Firm.

Siemens is represented by Alana K. Bassin, Gary Davis and Damon J. Brinson of Bowman and Brooke LLP and Stephen M. Steen Jr. of Shafer Davis O'Leary & Stocker PC.

The case is Randy Rossell et al. v. Siemens Energy Inc. et al., cause number 16,301, in the District Court of Winkler County, Texas.

--Editing by Kelly Duncan.

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