



Case Study: Personal Injury

Eccel v. Pacificorp (2010)

On July 1, 2007, Carol Eccel and her husband Jim were visiting family in Grants Pass, Oregon. After going out to breakfast, they stopped by a local RV shop to look at some RV's. As it was Sunday, the shop was closed so they had to look at the RV's through the fence. Carol was walking down the fence line when she fell into a hole injuring her leg.

The hole had been caused by a utility pole butt that had been left in the ground to rot by the California Oregon Power Company ("COPCO"). COPCO replaced the pole by cutting it off at the ground instead of pulling it. (Pacificorp was liable because it bought COPCO.) The creosote pole then rotted out leaving a hole lined with creosote soaked wood.

When she fell, splinters of creosote soaked wood lodged in her leg. The fall also tore cartilage in her knee and she had an arthroscopic surgery a few months later. She also had injuries to her foot and ankle.

We discovered that the hole had been there for years from statements we took from employees at the nearby RV shop and used car lot.

No settlement offer was made until after we filed a lawsuit against Pacificorp, obtained documents from Pacificorp and took depositions (statements under oath) of Pacificorp's employees. The documents revealed that COPCO had cut the pole down before 1995 and from 1995 to 2007, Pacificorp had inspected the new pole, only a few feet from the hole, several times. In fact, an inspector on September 20, 2003, noticed the cut off pole and made a note about it.

The case finally settled on May 21, 2010, for \$200,000 during a judicial settlement conference with Multnomah County Circuit Court Judge Stephen Bushong.

The hole was filled shortly after we got involved in the case. The question remains as to how many more such holes are there in Oregon?

For more information about personal injury cases, please call Gary Johnson at Hurley Re, P.C. (541) 317-5505 or email: grjohnson@hurley-re.com