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\$3 million awarded in local case **(<http://jacksonvilleprogress.com/local/x1910025457/-3-million-awarded-in-local-case>)**

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JACKSONVILLE — The Cherokee County Second Judicial District awarded \$3 million to Groveton resident Alvaro Chavez following a case against Gardner Oil Inc. for delivering tainted fuel, said Chavez's attorney, Jacques Balette. He said this is the largest personal injury settlement for pain and suffering in the last 15 years or more.

"It was diesel contaminated with gasoline, which made it flammable," Balette said. "Gardner Oil denied delivering contaminated fuel and insinuated maybe someone snuck in and deposited gas into it. Their defense was silly."

A jury heard the case starting May 24 and made its decision May 28 concerning the incident, which occurred in October 2008.

Gardner Oil officials had no comment concerning the case.

According to the amended petition, Chavez was working for a logging company in January 2008 in Cherokee County while using heavy machinery.

"Before this time period, Gardner Oil Inc. regularly and routinely delivered diesel fuel to Carl Rogers Logging in Apple Springs, Texas, which Gardner Oil Inc. knew was to be used for business purposes in the heavy machinery that Carl Rogers and his employees used for logging," the document stated. "On Jan. 10, 2008, Gardner Oil delivered gasoline and/or a gasoline mixture to Carl Rogers Logging in Apple Springs.

"Gardner Oil then deposited this gasoline and/or gasoline mixture into the bulk tank at Carl Rogers Logging which Gardner Oil knew was used in operating heavy machinery in the logging business."

The document also stated all the heavy machinery used which drew from this tank operated off the diesel fuel delivered by Gardner Oil. On Jan. 11, 2008, it noted, Chavez began fueling his logging loader while unaware a gasoline and/or gasoline mixture had been put into the tank. He went inside the cab of the loader, closed the door and lit a lighter to view the fuel gauge.

"As he exited the cab, a flash fire ensued which engulfed Alvaro Chavez," the petition stated. "This

caused Chavez to sustain significant burns to his hands, face and body and other burn related injuries.”

Balette said Chavez suffers from past and future scarring, deformities, disfigurement, permanent vision damage, hearing loss, post-traumatic stress disorder, physical and mental pain and suffering, physical impairment and loss of earning capacity. He added Chavez incurred significant past medical expenses and will continue to require medical expenses.

Chavez was awarded \$3,021,000 in damages after the jury determined the failure of Gardner Oil to comply with a warranty was a producing cause of damages to Chavez. Jury members found Gardner Oil 100 percent negligent in causing or contributing to the injuries.

“I’m proud of this East Texas jury,” Balette said. “My client is a legal resident who has always worked. He is a real straight arrow kind of guy. I see this as a case of a Mexican immigrant receiving American justice.”

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