



## C H E R O K E E C O U N T Y

**PRODUCTS LIABILITY****Manufacturing Defect — Design Defect — Premises Liability****Industrial air jack exploded, causing worker's paralysis****SETTLEMENT \$23,215,207**

**CASE** Joshua Goodson, individually, and Donna ("Gigi") Goodson, individually and on behalf of Dallis Goodson, a minor v. Stryker Creek Power Plant, in its assumed or common name, Luminant Generation Company LLC, f/k/a TXU Energy Future Holdings Corp., Air Jack Hydraulic, and Molded Products Co., No. 2007-12-0916

**COURT** Cherokee County District Court, 2nd, TX

**JUDGE** Dwight L. Phifer

**DATE** 8/3/2009

**PLAINTIFF**

**ATTORNEY(S)** Jacques G. Balette, Marks, Balette & Giessel, P.C., Houston, TX  
David H. Hill, Law Office of David Hill, Henderson, TX  
David Marks, Marks, Balette & Giessel, P.C., Houston, TX

**DEFENSE**

**ATTORNEY(S)** F. Lee Butler, Adams & Reese, Houston, TX (Air Jack Hydraulic)  
Mark J. Dyer, Martin, Disiere, Jefferson & Wisdom, Dallas, TX (Molded Products Co.)

Doug Fletcher, Fletcher, Farley, Shipman & Salinas, L.L.P., Dallas, TX (Luminant Generation Company LLC, Stryker Creek Power Plant)

Richard G. Miller, Fletcher, Farley, Shipman & Salinas, L.L.P., Dallas, TX (Luminant Generation Company LLC, Stryker Creek Power Plant)

Alan P. Moore, Martin, Disiere, Jefferson & Wisdom, Dallas, TX (Molded Products Co.)

David Toney, Adams & Reese, Houston, TX (Air Jack Hydraulic)

**FACTS & ALLEGATIONS** On Oct. 31, 2007, plaintiff Joshua Goodson, 30, was using a 73-ton inflatable air jack while repairing and fabricating boiler tubes in the superheater section of a boiler room at a Stryker Creek power plant owned by Luminant Generation Company LLC. The air jack exploded and injured him.

Goodson and his crew were employees of a boiler-maintenance contractor. The work required Goodson to use an air jack to separate tube assemblies within the boilers so that he could crawl between them.

The manufacturer of the air jack was Molded Products Co. It was designed and sold by Air Jack Hydraulic.

In late December that year, Goodson sued Molded Products and Air Jack Hydraulic for products liability

design and manufacturing defect and sued Luminant for premises liability.

Goodson argued that industry standards required the air jack to be designed and manufactured with Kevlar cord reinforcement, rather than nylon, and that Molded Products increased its profit margin to 139 percent (from 25 percent) by using nylon.

In addition, he argued, the manufacturer rushed the air jack into production without adequate cycle testing and with no burst testing. Goodson further claimed that Molded Products and Air Jack Hydraulic had notice as early as 1995 that the product had a propensity to explode and was unreasonably dangerous.

Destructive testing and laboratory examination revealed additional defects, he claimed.

The two product defendants denied any defect and argued that the incident resulted from Goodson's misuse of the product.

Luminant denied any duty to Goodson or his crew.

In addition, the defendants asserted the 15-year statute of repose.

**INJURIES/DAMAGES** *back; chronic pain syndrome; head; loss of consortium; loss of services; paralysis; quadriplegia*

When the air jack exploded, it struck Goodson in the head and back, causing C7 ASIA-A quadriplegia. He is paralyzed from the chest down and has chronic pain and adjustment disorder.

Goodson sought damages for his injuries. His wife, age 30, and 3-year-old daughter sought damages for loss of consortium and household services.

**RESULT** The defendants settled for a cash payment of \$21,850,000 and the workers' compensation carrier's waiver of its lien, which was for \$1,365,206.57.

The settlement was reached after three unsuccessful mediations and two mediators. The court approved it on Aug. 3. All three defendants contributed to the cash payment.

**EDITOR'S NOTE** This report is based on information that was provided by plaintiffs' counsel. Air Jack Hydraulic's counsel declined to contribute, and the other defense counsel did not respond to the reporter's phone calls.

This settlement is the largest that VerdictSearch has reported in a non-brain-injury quadriplegia case involving bodily injury to just one person.

—John Schneider