

TEXAS

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TOP CASES

PREMISES

Homeless Man Wins \$797,211 For Injuries From Explosion

Verdict: \$797,211

Cause of Action: Negligence

Injuries: Mydrasis

Case: Ralph Glass v. Petroleum Inc. No. 1998-62845

Court: Harris County District Court, 127th

Judge: Sharolyn Wood

Verdict Date: 4/25/01

PLAINTIFF

Attorney: Stephen Boutros; Houston, TX, for Ralph Glass

Experts: Jeff Whitsett M.D.; Ophthalmology; Houston, TX, called by Stephen Boutros

Demonstrative evidence: None

DEFENDANT

Attorneys: Arlen "Spider" Bynum; Law Offices of Arlen Dean Spider Bynum, P.C.; Dallas, TX, for U.S. Petroleum Inc.

Expert: None

Demonstrative evidence: None

Insurer: Empire Lloyds of Texas

A Harris County jury found in favor of a 58 year-old Vietnam veteran, now homeless, who was injured when a dumpster exploded, leaving him legally blind in one eye.

On May 9, 1998, plaintiff Ralph Glass went to the A-Z Mart, a convenient store owned by U.S. Petroleum Inc., and asked the store clerk, Mohammed Khan, if Glass could do some odd jobs in exchange for money. Khan offered to pay him \$10 for a few such jobs. When Glass asked for his money after completing the work, Khan told him the plaintiff he would pay him only \$5, but would give him some outdated Snapple and food that had been discarded in the store's dumpster. According to plaintiff's attorney Stephen Boutros, Glass then went behind the store and began retrieving packaged groceries from the dumpster.

As Glass leaned into the dumpster, the dumpster exploded. After arriving at the scene, the fire department determined that the dumpster exploded because U.S. Petroleum employees had improperly placed fuel filters in the receptacle.

The explosion was triggered when a man named Robert Nash threw a cigarette butt into the dumpster as Glass picked through the garbage. When a spark from Nash's butt hit the fumes from the improperly disposed of fuel filters, the dumpster exploded, causing traumatic injuries to Glass' left eye.

U.S. Petroleum contended that Glass did not complete any work for the company and did not receive permission to retrieve the discarded items from the dumpster. U.S. Petroleum also stated that its employees did not place the fuel filters in the dumpster. Also, the defendant argued, since the store was closed at the time of the explosion, Glass was trespassing. Furthermore, the company contended that Glass was comparatively negligent for failing to smell the gas and that Robert Nash, as a third party contributor, was negligent for failing to smell the gas and for discarding the cigarette butt in the dumpster.

Multiple Eye Injuries. Glass sustained traumatic pre-retinal membrane wrinkling, traumatic angle recession, and traumatic mydriasis of the left eye. The injuries left him legally blind for 10 months. After the accident, the plaintiff underwent intra-ocular lens implantation at the Veterans Administration. The procedure improved his vision to 30/35-2, though prior to the explosion Glass had 20/20 vision. His medical expenses totaled \$2,211.

Petroleum Company Negligent. The jury of 12 unanimously found U.S. Petroleum negligent, awarding Glass \$250,000 for past physical pain and mental anguish, \$125,000 for physical impairment, \$10,000 for disfigurement, \$2,211 for past medical costs, \$100,000 for future physical pain \$2,211 for past medical and mental anguish, \$300,000 for future physical impairment, and \$100,000 for future medical care, making a total award of \$797,211. Final judgment including \$210,146.95 and taxable court costs of \$1,793.15 will be \$1,009,151.10. Prior to trial, Glass sought \$250,000, while U.S. Petroleum offered \$45,000 after voir dire. In closing arguments, plaintiff's counsel asked the jury to award \$418,000.