

## Electrocuted laborer's widow wins lawsuit

Jury awards \$3.8M, capped at \$1.58M under Maryland law

BY STEVE LASH

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A Baltimore County jury on Friday awarded \$3.8 million to the widow and two adult children of a man who was electrocuted while loading steel beams onto a tractor trailer parked under a power line.

The award to Billy Busch's family will be reduced by more than half, to \$1.58 million, due to Maryland's statutory cap on non-economic damages, said the family's attorney, Andrew D. Freeman.

Busch, 48, was working as a day laborer for Frostburg-based **Clise Coal Co.** when he was assigned to help load large steel scales and I-beams onto the tractor trailer, which was affixed with a crane, at the **Blue Mount Quarry** in White Hall on Jan. 2, 2007, Freeman said.

The crane swung and hit a power line while Busch was loading a beam onto the truck, sending a deadly amount of electrical current to his body.

According to trial testimony, the Clise Coal-operated tractor trailer was parked within 10 feet of the live power lines, in violation of Maryland and federal Occupational Safety and Health Administration regulations.

The jury deliberated about two hours before returning its verdict finding Clise Coal Co. liable in Busch's death, Freeman said.

Busch "died tragically and unnecessarily," added Freeman, of **Brown, Goldstein & Levy LLP** in Baltimore. "The clear message is that companies need to be careful around high-power lines and companies will be held responsible when they disregard safety rules."



MAXIMILIAN FRANZ

**Andrew D. Freeman, attorney for the Busch family, says the verdict sends a message about safety around power lines.**

Clise Coal's attorney, Baltimore solo practitioner Leonard C. Redmond III, declined to comment on the verdict.

The family filed the lawsuit in **Baltimore County Circuit Court** on Dec. 29, 2009. The named plaintiffs were Busch's estate; his widow, Kelly; and children, Constance and William.

During the four-day trial, Freeman presented evidence to indicate that Clise was negligent in keeping the crane too close to the power lines.

Clise's defense included the claim that Busch had contributed to his own death by carelessness and the way he handled the beams.

Under Maryland common law, contributory negligence on the part of a plaintiff, no matter how slight, is an absolute bar to recovery.

The jury rejected the company's defense.

Busch "had no control of the crane at all," Freeman said.

### BUSCH ET AL. V. CLISE COAL CO.

**Court:** Baltimore County Circuit Court

**Case No.:** 03C09015607

**Judge:** Patrick Cavanaugh

**Outcome:** \$3.8 million jury verdict (capped at \$1.58 million)

**Dates:**

**Event:** Jan. 2, 2007

**Suit filed:** Dec. 29, 2009

**Verdict:** July 26, 2013

**Plaintiff's Attorneys:** Andrew D. Freeman, Joseph B. Espo and Rebecca J. Rodgers of Brown of Goldstein & Levy LLP in Baltimore.

**Defendants' Attorney:** Leonard C. Redmond III of Leonard C. Redmond III P.C. in Baltimore.

**Counts:** Negligence and wrongful death

Of the jury's \$3.8 million award, \$3.3 million was in non-economic damages to Busch's widow and two children; \$225,000 in recognition of Busch's own pain and suffering from the electrocution; \$350,000 in Busch's lost earnings; \$5,000 in funeral expenses; and \$1,230 for his medical treatment following the deadly incident.

The \$3.3 million non-economic damages award will be capped at \$997,000, resulting in the \$1.58 million total, Freeman said.