



Summary Judgment Ruling Upheld by Supreme Court of Kentucky

Client: LG & E

Open date: May 2006

Close date: April 2011

May 04, 2006

Categories:

[Experience](#)

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On May 21, 2006, three individuals went to the back of an abandoned schoolyard in Bell County, Kentucky, to cut down a forty (40) foot high utility pole in an effort to steal copper and aluminum. They cut into the electric power lines, leaving one power line energized with 7,200 volts of electricity. When these individuals cut into the energized line with bolt cutters, two were seriously injured and the third was killed. The Estate of David Avant, his five year old son, Linda Hatfield, and Orville Hatfield later sued Kentucky Utilities Company for wrongful death, loss of parental consortium, and personal injury. Plaintiffs sought compensatory damages in excess of \$50M and punitive damages. After an aggressive early investigation and pre-trial discovery, Frost Brown Todd obtained summary judgment on all claims against Kentucky Utilities Company in February of 2009. Plaintiffs appealed the ruling, and Frost Brown Todd's Jeremiah Byrne, Chris Robinson, Griffin Sumner, and Sheryl Snyder drafted the Court of Appeals brief and argued it before the three judge panel. In May of 2010, the Kentucky Court of Appeals issued a unanimous opinion in favor of Kentucky Utilities Company, affirming the lower court's summary judgment ruling. Plaintiffs sought Discretionary Review from the Supreme Court of Kentucky.

Outcome

In April of 2011, the Supreme Court of Kentucky denied Discretionary Review and left standing the summary judgment in favor of Kentucky Utilities Company.

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