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Trial Victory: FBT Wins Jury Trial Kentucky Utilities in Wrongful Death Case

Frost Brown Todd (FBT) defended Kentucky Utilities (KU) in high-stakes litigation involving a 2018 wrongful death case. The trial, in which the Plaintiff asked the jury for a total award of \$107 million, lasted eight days. The jury deliberated for just over three hours before returning a full defense verdict in favor of our client.

Background

In June 2018, a subcontractor was hired to demolish 14 apartment buildings so the site could be redeveloped into new, luxury apartments and condos. During demolition, the crew began crushing concrete and brick to be stored on site for use as fill in the future development. The subcontractor began stockpiling the crushed rock under the 7,200-volt KU distribution power lines, which ran through the property. On the date of the incident, he backed his dump truck up onto the pile, raised the bed to dump the load of gravel, and contacted the power line, resulting in his death. His estate sued FBT's client, KU, and the general contractor. The general contractor settled about a week before trial, and only the claims against KU went to the jury.

FBT defended the case with two main defenses: First, the power lines in question far exceeded the height requirements set out by the NESC for the permanent use of the property, and the temporary construction did not change any requirements. The lines were measured immediately after the incident and found to be nearly five feet higher than required. FBT also defended on the grounds that workplace safety is controlled not by KU, but rather by the subcontractor doing the work, as per OSHA guidelines.

For more information, contact Jeremiah A. Byrne, Lead Trial Counsel and Leader of Frost Brown Todd's [Product, Tort, and Insurance Litigation](#) practice group.

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