

MISSOURI LAWYERS WEEKLY

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VERDICTS & SETTLEMENTS

Confidential settlement reached in fireworks injury

Woman and baby survive one in a series of incidents



Brian McChesney

Confidential settlement

A confidential settlement has been reached in the case of a woman who was severely injured during a workplace explosion that killed a co-worker and caused her to require an emergency Caesarean section that saved the life of her unborn child.

Lori Rhodes was manufacturing fireworks for Pyro Products, on property owned by Sunset Fireworks, when an explosion occurred at her building on Nov. 5, 1999 in Dittmer, Mo.

Rhodes, who was eight months pregnant at the time, suffered second- and third-degree burns over 75 percent of her body, a subarachnoid hemorrhage and multiple infections. Doctors at St. John's Mercy Medical Center in St. Louis County were able to save Rhodes' baby while some questioned its chances of survival.

Rhodes was hospitalized for six months and underwent dozens of surgeries, skin grafts and dermabrasions.

Experts agreed that an atmospheric drop to 40 percent relative humidity combined with a dangerous buildup of static electricity made for an unsafe environment for the handling of explosives and led to the discharge.

The plaintiff's experts noted that the

building where this explosion occurred was not equipped with adequate safety devices that could have prevented a dangerous buildup of static electricity. The building also did not have a humidity sensor or an electrometer, which would have warned employees the atmospheric conditions were unsuitable for the manufacture of fireworks.

According to the plaintiff's attorneys, the facility owner had relied on humidity reports from Lambert International Airport in St. Louis County, which was approximately 60 miles away from the fireworks facility.

Defense experts said that a static electric discharge was the source of the ignition and explosion but blamed the blast on human error. The defense claimed that one or more employees at the facility had failed to utilize leg stats, which would have prevented the

buildup of static electricity.

Plaintiff attorney William Holland noted that this case is not only about a tragic injury, but also about the use of property since Sunset Fireworks owners Gerald and Yvonne Walker allowed Pyro Products to use some of the buildings on their property without the benefit of a written lease.

Following the explosion that injured Rhodes and killed her co-worker, Pyro Products and Sunset Fireworks experienced two more explosions on the property that claimed the life of one woman and injured four others.

On July 2, 2003, five men working for Sunset Fireworks were killed by a fireworks explosion while on the job in Bonita, Fla.

Due to numerous governmental investigations and civil lawsuits, both Pyro Products and Sunset Fireworks are no longer in business.

Facts of the case

Type of Action: Personal injury

Type of Injuries: Second- and third-degree burns, subarachnoid hemorrhage, premature Caesarean section

Court/Case Number/Date: Jefferson County Circuit Court/CV303-8235-CC-J2/Jan. 5, 2006

Caption: Lori Rhodes v. Sunset Fireworks, et al.

Judge, Jury or ADR: Mediation

Name of Mediator: Henry Menghini

Verdict or Settlement: Confidential

Special Damages: \$1.1 million past medical expenses, \$80,000 past lost wages, \$250,000 future lost wages

Allocation of Fault: N/A

Last Demand: N/A

Last Offer: N/A

Attorney for Plaintiff: Brian S. McChesney, St. Louis, William K. Holland, Fox, Goldblatt & Singer P.C., St. Louis, Eric Holland, Holland, Groves & Schneller, St. Louis

Insurer: Not disclosed

Plaintiff's Experts: Walter Lyons (forensic meteorologist) Fort Collins, Colo.; Mike Schulz (explosives expert) Bertlett, Ill.

Defendant's Experts: Ron Grone-meyer (cause of origin expert) St. Louis; Roger Schneider (combustion engineer) Whitefish Bay, Wis.