LOS ANGELES COUNTY SUPERIOR COURT
Salas v. Confidential, Docket number: BC353847, Downtown. Judge: Ruth A. Kwan. Trial type: Settlement. Settlement date: 5/7/2008.

SETTLEMENT: $4,345,000
Defendants, including cross-defendants, settled for $4,345,000, less than four weeks prior to trial. The mediator was Robert Kaplan, Esq. of Judicate West.

COUNSEL
Plaintiff: Richard B. Koskoff, Booth & Koskoff, Torrance. Amy S. Niven, Booth & Koskoff, Torrance.
Defendant: Confidential.

FACTS/CONTENTIONS
According to plaintiff: On June 17, 2004, decedent Reynaldo Salas, age 47, an employee of Pasillas Construction company, was in the process of sheathing a roof, when a Douglas Fir Standard and Better 4" x 4" x 8" subpurlin beam failed, and caused decedent to fall nearly 15 feet to a concrete slab below. Decedent, who had no fall protection, died as a result of the injuries he suffered. There were no witnesses to the accident.

Decedent's wife, plaintiff Olivia Salas, and decedent's six children, plaintiffs Reynaldo Salas Jr.; Miguel Salas; Jose Pedro Salas; Alberto Salas; Leticia Salas, a minor; and Clarissa Salas, a minor, alleged defendant manufacturer of the 4" x 4" x 8" beam of lumber, a major domestic lumber company; defendant distributor; defendant wood company, another major wood company; and defendant seller, were negligent. Plaintiffs alleged the lumber was defectively manufactured, improperly graded, and structurally unsound.

Plaintiffs contended decedent, who weighed 275 lbs with his tool belt, was setting blocks on either side of the beam. In order to set the blocks, decedent stepped out onto the beam, which fractured under his weight. A worker, who was approximately 50 feet away, claimed that out of his peripheral vision, he saw decedent in the air just before he hit the ground, but did not see the fractured beam.

Defendants claimed that although the engineer's structural calculations called for Douglas Fir Grade 2, the plans were vague and ambiguous as to the type of grade for the subpurlins. Defendants further claimed the contractor carelessly ordered Standard and Better without reference to the plans or any contact with the architect or structural engineer. Standard and Better is an inferior grade of wood and is not appropriately used for horizontal structural support. Defendant contended that the structural engineer's plans, as verified by the structural calculations, called for a panelized roof system which was to be constructed at ground level and then lifted into place. A panelized roof system composed of purlin and subpurlin beams has a plywood sheath over the top aspect of the construction. If a panelized roof system had been in place, the panelized roof system would have spread and distributed the load and the beam would not have failed under decedent's weight. Even if it were necessary for decedent to have been on the roof, he would not have been able to step on a single beam, but could only have stepped on the panelized roof system.

Defendants believed that decedent was negligent for his failure to use fall protection and for stepping on a beam without such protection. Defendants asserted that there were no witnesses to the accident and it was unknown and conjectural as to what decedent was doing at the time of the accident. Defendants believed that the beam may have slipped out of the hangers by bowing under decedent's weight.

One or more of the defendants cross-complained against the general contractor, the structural engineer, and the architect responsible for the construction plans.

CLAIMED INJURIES
According to plaintiff: Death.

CLAIMED DAMAGES
According to plaintiff: Plaintiffs produced W-2 statements which showed that for 2 ½ years prior to the accident, decedent earned in the high $20,000 range annually. However, there were no W-2 statements for the six months prior to the June 17, 2004 accident. Decedent's future earning capacity was estimated in the $400,000 range based on the provided W-2s.

SETTLEMENT DISCUSSIONS
Not reported.

EXPERTS
Plaintiff: Morris S. Farkas, construction safety expert, Santa Monica (310) 440-5588. Tamorah G. Hunt, Ph.D., economist, Formuzis, Pickersgill & Hunt Inc., Santa Ana (714) 542-8853. John R. Brault, M.S., biomechanical engineer, MEA Forensic Engineers & Scientists, Lake Forest (949) 855-4632. W. Wayne Wilcox, Ph.D., wood pathologist, Shingle Springs (530) 677-2531. Ron Peterson, wood expert, Vancouver, WA. Timothy DeLise, general contractor, TLD Construction Inc., Escondido (818) 244-1078. Edward Diekmann, civil/structural engineer, Oklahoma City, OK (405) 753-9846. Christopher Brignola, mechanical engineer, Vollmer-Gray, Signal Hill.

Defendant: Ted Vavoulis, Ph.D., economist, Vavoulis & Weiner, Los Angeles (213) 817-6600. Rodney B. Spears, structural engineer, Pasadena (626) 796-9319. Allen Jacoby, roofing consultant, Burtech, Encino (818) 343-9800. Dale Christian, civil engineer, Burbank (818) 557-0106. Kevin A. Flynn, forest products consultant, UC Forest Products Laboratory, El Cerrito. Peter G. Kudrave, A.I.A., construction engineer, Los Angeles (213) 935-0005. Rakesh Gupta, Ph.D., wood engineer, Oregon State University, Corvallis, OR (541) 757-4223. Al Lytton, wood grader, West Coast Lumber Inspection Bureau, Tigard, OR (503) 639-0651.