

\$3.8-million verdict goes against Willis Enterprises

By Brionna Friedrich The Daily World

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A Grays Harbor County jury awarded a Toutle man and his wife more than \$3.8 million in damages as a result of an explosion at the Willis Enterprises chip mill in Oakville.

The verdict for Verl and Marsha Lee was announced March 6 in Grays Harbor Superior Court. The couple sued Willis Enterprises and its employee, Daniel Fletcher, over a Jan. 25, 2010, incident that caused permanent injury to Verl Lee.

"It's been a while since a verdict of that size in a personal injury case has been rendered in Grays Harbor County," said Ray Kahler, an attorney for Stritmatter Kessler Whelan, the Hoquiam firm that represented the Lees. "And I think the other thing that's significant about it is just the nature of his injury. It's an unusual type of injury."

Verl Lee now suffers from severe tinnitus and hyperacusis, an abnormal sensitivity to sound. His attorneys said the injury has forced Lee to give up his job, driving, as well as his work as an elder in his church and director of the church choir.

The amount of money in the jury's verdict is not final. The final judgment in the case is scheduled to be entered by a judge Monday and may vary from the jury's verdict.

Lee was a control specialist with Advanced Electrical Technologies, Inc. in Longview when he was sent to work on a "variable frequency drive" at the Oakville mill. The drive controls input into the chipper, but it was malfunctioning.

According to the complaint, Lee worked with Fletcher, first cleaning then disassembling and reassembling the drive. Lee eventually went inside the six-foot-by-six-foot enclosure for the drive to get a look at the fans, which were not spinning.

As Lee looked over the fans, he recalls Fletcher suggesting he could get the fans to turn with his screwdriver. The power was still on and the screwdriver struck something active.

"The action triggered an explosion so bright that the mill worker temporarily thought he had lost his sight," a press release from the Lees' attorneys stated. "A massive sound wave from the explosion permanently damaged Lee's hearing system."

The short-circuit was about 700 volts, according to the complaint. As a comparison, a typical wall outlet has 120 volts.

Since the incident, Lee has had to wear special headphones to block out noise in order to function day-to-day, his attorney said.

"He can have a conversation with someone (but) because of the constant tones and noise in his head, he has difficulty at times following a conversation, concentrating and focusing on a conversation," Kahler said. "He can't be in a situation like a church potluck or dinner where there's a lot of noise. He can't interact with people in that kind of a social setting."

The jury found Fletcher was negligent, and his actions were 90 percent of the cause of Lee's injuries. Because he was acting in his capacity as an employee of Willis Enterprises, the company is also liable for damages he's found to have caused.

The total verdict was \$4.3 million, but Verl Lee was found to be 10 percent at fault. The bulk of the verdict stems from non-monetary damages to Verl Lee, \$2.25 million of the \$3.8-million total. A total of \$414,000 is included for Marsha Lee's loss of consortium, or familial relationship.

The Lees are also represented by Craig Weston of Reitsch, Weston and Blondin.

Willis Enterprises and Fletcher are represented by Tom Brown and Mike Spencer of Brown, Lewis, Janhunen and Spencer in Aberdeen.

Brown declined to comment prior to the judgment set for Monday.

Once the judgment is entered, the defendants have 30 days to file an appeal.