

Jury Awards \$12.2 Million in Boiler Case

After having his claim entirely dismissed and eventually reinstated by a higher court, a boiler repairman from Fargo, N.D., received a jury verdict in excess of \$12.2 million, for burns sustained in a boiler accident.

Yaeger, Jungbauer, Barczak & Vucinovich associate Paula Jossart presented the case to the jury in federal court in Minneapolis, Minnesota. Jossart, along with YJBV partner Robert Dolan, a paralegal and firm researchers, represented Robert Reimer through six years of legal proceedings that at times seemed hopeless.

Reimer, 53, who worked for a heating and cooling company in Fargo, N.D., was called to do a cost estimate on the Crookston swimming pool's boiler. As Reimer prepared to perform a non-invasive ultrasound test of the boiler (which is similar to a doctor's stethoscope) he re-positioned his body bringing his pant leg into contact with a pipe that was screwed into the boiler. The pipe broke off, releasing a torrent of 250 degree pressurized water and steam that caused third-degree burns over 67 percent of Reimer's body.

YJBV attorneys Jossart and Dolan presented evidence at trial revealing that the defendants were remiss in maintaining the boiler. The chief engineer in charge of the boiler admitted to never having read the manufacturer's boiler manual, which clearly stated how to maintain the very problem that the pipe was exhibiting. The defendants also failed to inform Reimer of safety concerns regarding the pipe that was raised earlier that day, leaving Reimer completely unaware of any dangers regarding the boiler.

The severe burns occurred on March 10, 1998 and Reimer brought suit against the city and the school. The federal court judge overseeing the matter agreed

with the defendant's position that Reimer was an expert and should have known that an improperly maintained pipe could fall out of a boiler just by being brushed. The judge dismissed the defendants from the suit. Despite this initial loss, Reimer and the YJBV team refused to give up. They appealed the case and found recourse in the Eight Circuit Court of Appeals, which overturned the lower court's decision and allowed Mr. Reimer to continue his claim against the city and school.



Paula Jossart

After three days of testimony, the Minneapolis jury deliberated roughly two days and concluded that the school district was 77 percent at fault, Reimer was 23 percent at fault and the city was not at fault.

In the damages portion of the trial, the jury learned of the pain and suffering, financial hardship and medical costs endured by Reimer and his wife Susan. The \$12.2 million verdict was reached after about four hours of deliberation.

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"It's been a long six years for the Reimers," attorney Jossart said. "But I believe, and so does Mr. Reimer, that it was good to finally have our day in court. Mr. Reimer feels totally vindicated by the jury's finding of fault. It was clear from the beginning that fault was mainly in the hands of those in charge of the maintenance of that pipe and not Mr. Reimer. We just kept fighting and the jury agreed." 