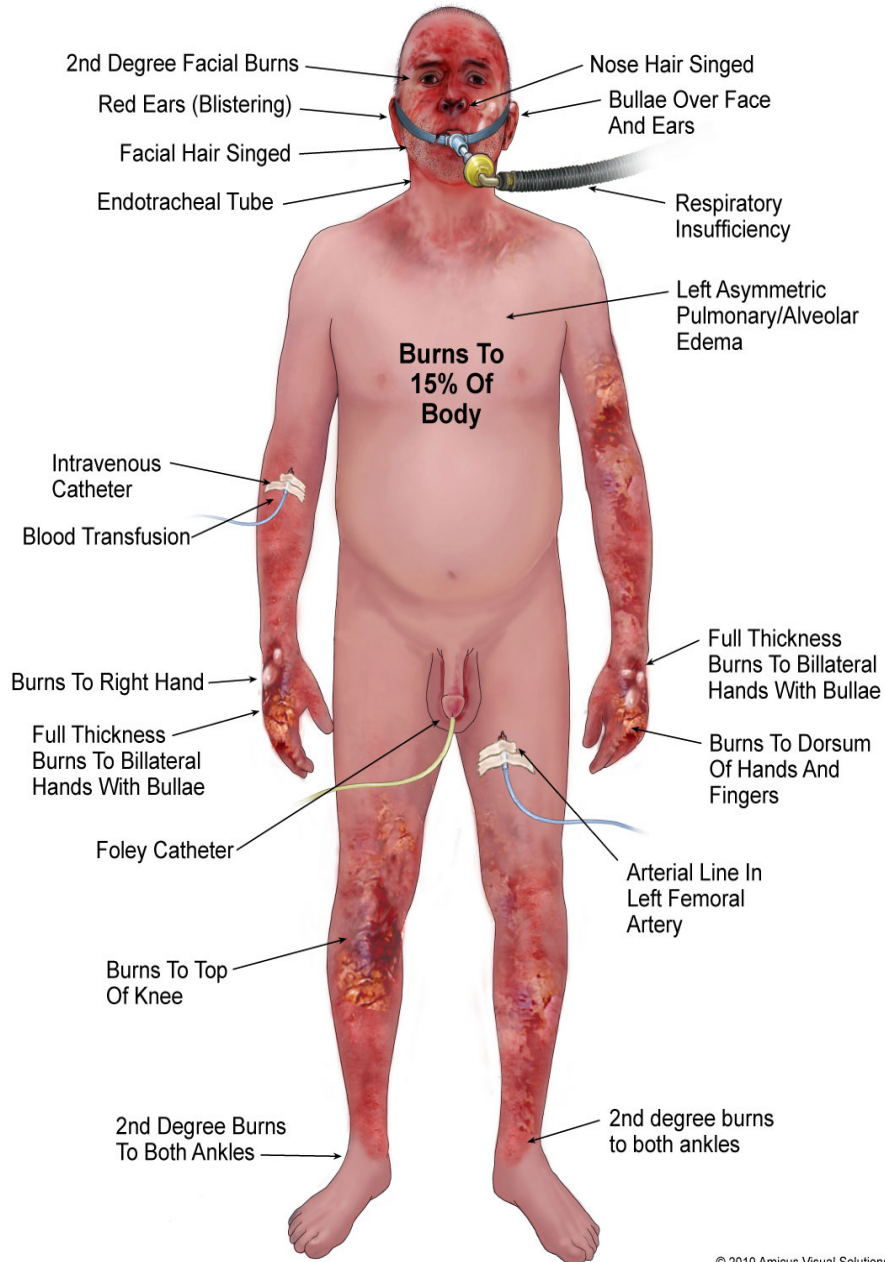


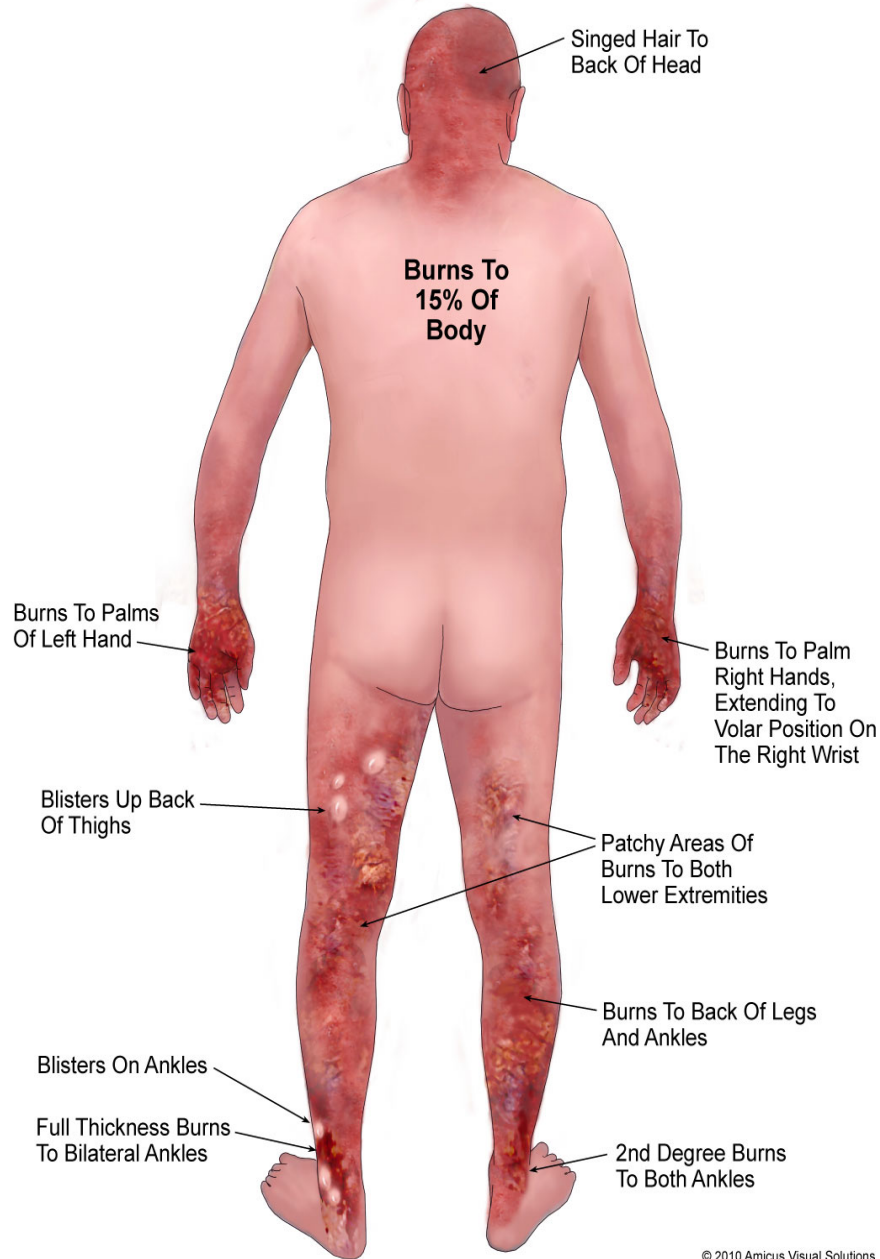
## Summary of Robert O. Smith's Injuries And Symptoms



## Damages

**Any bodily injuries he sustained and their effect on his health according to their degree and probable duration**

## Summary of Robert O. Smith's Injuries And Symptoms



# Damages

**Any bodily injuries he sustained and their effect on his health according to their degree and probable duration**

# Damages

---

**Any physical pain he suffered in the past**

**2nd degree burns to face, right hand, and both ankles. Facial and nasal hairs singed.**

**Partial thickness burns to face and patchy areas to both lower extremities, as well as to the palm of the left and right hands.**

**Burns covering 10-15% total body surface area.**



# Damages

---

**Any physical pain he suffered in the past**

**Shaking and feeling cold, “burning” to burn areas.**

**Noted to have blisters on hands, ankles, and back of thighs.**

**Thrown 5 feet when gas furnace exploded. Clothes caught fire.**

# Damages

---

**Any physical pain he suffered in the past**

**Burns to face covered with ointment.**

**Burns to hands dressed.**

**Splints and ace wraps on both arms.**

**Fingers, dorsum of hands, back of legs, top of knee, ankles, face, and ears red, blanching, partial to full thickness burns.**

# Damages

---

**Any physical pain he suffered in the past**

**Confused, disoriented, not following commands, trying to crawl out of bed, urinating in bed.**

**Found crawling on floor.**

**Agitated during night. Anxious, incoherent.**

**Agitated, pulling at lines, catheters.**

**Both arms restrained.**

# Damages

---

**Any physical pain he suffered in the past**

**Ankle and posterior aspect of the right calf were sharply debrided to healthy-appearing bleeding tissue.**

**Dorsum surfaces of both hands and fingers were also debrided down to healthy tissue.**

**Skin was harvested from the right thigh for grafting.**

**The skin grafts were stapled in place on the upper and lower extremities.**



# Damages

---

**Any physical pain he suffered in the past**

**Ace wraps to bilateral legs and upper extremities. Arterial line in place left femoral artery. Foley catheter in place.**

**Not oxygenating well. Nasal trumpet inserted into nostril. Re-admitted to ICU for mental status changes.**

**Fitted with fixed ankle walking boot.**



# Damages

---

**Any physical pain he suffered in the past**

**Split thickness skin graft to bilateral posterior ankles, right lateral calf.**

**Complaining of intense right thigh donor site pain on standing. Only able to stand for 30 seconds before sitting down. Then able to take 3-4 shuffling steps sideways.**

**Due to hand grafts, unable to grip walker.**

# Damages

---

**Any physical pain he suffered in the past**

**Unable to ambulate due to quickly fatiguing and right thigh pain.**

**Requires standby assistance when ambulating walker and getting out of bed. Fatigues easily.**

# Damages

---

Any mental anguish he suffered in the past

**17 days in the hospital**

# Damages

---

**Any physical pain he may be reasonably expected to suffer in the future**





# Damages

---

**Any mental anguish he may be reasonably expected to suffer in the future**

# Damages

**Any disfigurement and any associated humiliation or embarrassment**



# Damages

**Any deformity and any associated humiliation or embarrassment**





# Damages

**Any inconvenience that probably will be caused in the future**

Q. Okay. Do you have any residual or any ongoing pain today that you associate with the explosion?

A. Just whenever I get on an extension ladder, it seems like my legs want to -- ankle want to give out.

Q. Okay. When you get up on an extension ladder?

A. Yeah.

Q. Is it a pain, or is it a weakness?

A. Something like your leg going to sleep --



# Damages

**Any inconvenience that probably will be caused in the future**

**A. And then my hands and stuff can't hardly**

Page 58

**grip much and stuff. You know, I'm afraid to let loose.**

# Damages

---

**Any inconvenience that probably will be caused in the future**

**A. They told me to keep exercising my hand to keep arthritis out of it -- you know, keep exercising.**

**Q. And did you have any kind of arthritis before the accident?**

**A. Not that I know of.**

# Damages

**Any inconvenience that probably will be caused in the future**



# Damages

**Any medical expenses incurred in the past**

## **Robert O. Smith**

---

|                              |    |        |
|------------------------------|----|--------|
| Rockingham Memorial Hospital | \$ | 926.55 |
|------------------------------|----|--------|

|                         |  |       |
|-------------------------|--|-------|
| Rockingham Radiologists |  | 27.00 |
|-------------------------|--|-------|

|                    |  |           |
|--------------------|--|-----------|
| UVA Medical Center |  | 80,269.35 |
|--------------------|--|-----------|

|                                |  |           |
|--------------------------------|--|-----------|
| UVA Health Services Foundation |  | 17,891.00 |
|--------------------------------|--|-----------|

|                            |  |        |
|----------------------------|--|--------|
| Continuum Home Health Care |  | 852.53 |
|----------------------------|--|--------|

|               |                     |
|---------------|---------------------|
| <b>Total:</b> | <b>\$ 99,966.43</b> |
|---------------|---------------------|



# Rockingham Petroleum

Rockingham  
PETROLEUM

BRANDS YOU TRUST | PEOPLE WHO KNOW

[Southern States](#) | [Announcements](#) | [Resources](#) | [Products](#) | [Services](#) | [About Us](#) | [Contact Us](#)

## PRODUCTS

Our product line is driven by our customers' needs. Here, you will always find a complete range of petroleum products for residential, agricultural, and commercial uses. Additionally, you can count us to provide superior equipment and a sound commitment to customer satisfaction.

### Petroleum & Lubricant Products:

- /fuel oil
- /propane gas
- /motor oil
- /diesel fuels
- /biodiesel fuels
- /kerosene
- /gasoline
- /statesman wood pellets - efficient, low-ash content, environmentally-friendly

### Heating and Cooling Equipment:

- /propane heaters
- /grills
- /gas logs
- /gas heaters
- /gas fireplaces
- /oil furnaces
- /boiler systems

### Water Heaters

### Gas-Powered Lighting

### Home & Hearth Products

For more information, we invite you to contact us.

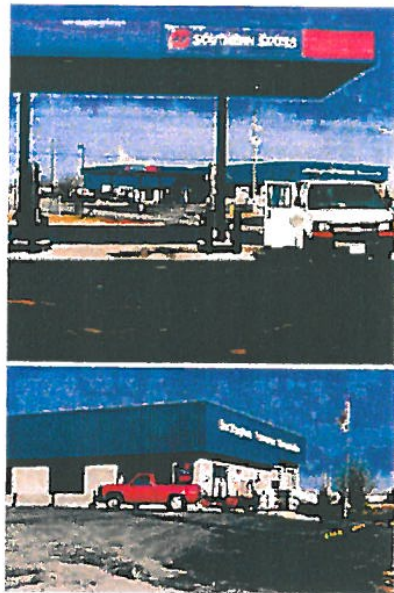
Copyright 2005 Rockingham Petroleum. All Rights Reserved. Site Design: B.S. Ideas, Inc.

# Rockingham Petroleum

Rockingham  
PETROLEUM

BRANDS YOU TRUST | PEOPLE WHO KNOW

[Southern States](#) | [Announcements](#) | [Resources](#) | [Products](#) | [Services](#) | [About Us](#) | [Contact Us](#)



## ABOUT US

Rockingham Petroleum was established in 1942 as an agricultural cooperative, now comprised of 2,300 member-owners. We are pleased to service more than 15,000 customers throughout Virginia and West Virginia, providing efficient, reliable energy products.

Working to serve homes, businesses, and farms, we offer innovative products that provide effective solutions that are specific to the application, and because we're member-owned, the cooperative approach is the only one that we know when it comes to serving our customers. Whether it's oil or propane, diesel or bigdiesel, water heaters or air heating and cooling equipment systems, our customers can count on us to carry cutting-edge energy solutions. Brands You Trust - People Who Know...Rockingham Petroleum.

For more information, we invite you to [contact us](#).

# Liability









# JEFFREY KINNEY

- 1<sup>st</sup> Safety Officer at Rockingham

- (Deposition of Kenney, p. 18, ll. 2-9; p. 21, ll. 10-16)

- Few Records of Safety Program and Consumer Safety Warnings

- (Deposition of Kenney, p. 37, ll. 11-17)

- Kinney Hired to Bring Rockingham into Compliance With Industry Safety Practices

- (Deposition of Kenney, p. 18, ll. 2-9; p. 37, ll. 11-17)



# LIABILITY

8 major issues of liability  
pertaining to Rockingham and  
Southern States

# ISSUE #1

## SPOILIATED EVIDENCE

- Failure to preserve propane cylinder
  - Odorant
  - Volume of Gas
- Violated industry custom, practice, habit, and procedure



ISSUE #2  
NO ODORANT IN GAS

Violation of NFPA 58 and Virginia law

ISSUE #3  
FAILURE TO INSPECT AND TEST PROPANE  
GAS SYSTEM

➤ **SYSTEM INTERRUPTIONS**

- **Violated company policy multiple times**
- **Violated Virginia law multiple times**
- **Violated industry practice multiple times**

ISSUE #3  
FAILURE TO INSPECT AND TEST PROPANE  
GAS SYSTEM

➤ **CHANGE OF OCCUPANCY**

- Violated industry practice
- Violated company policy

## ISSUE #4

### HAD ACTUAL KNOWLEDGE OF DEFECT AND FAILED TO CORRECT

- Informed furnace was not working and stated would fix it for tenant – failed to do so



ISSUE #5  
FAILURE TO LOCKOUT and/or RED TAG

**Last Fill**

ISSUE #6  
FAILURE TO ADEQUATELY WARN  
INCLUDING GAS DETECTORS

## ISSUE #7

# FAILURE TO INSTALL GAS DETECTORS

ISSUE #8  
PERSONNEL INADEQUATELY TRAINED

- Odorant Defects
- Gas System Inspections

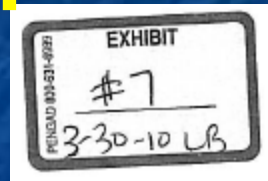


# ISSUE #1 - PROOF



- Rockingham knew needed to preserve cylinder and report to the insurance company.
  - (Deposition of Kenney, pp. 129-130, ll. 22-1; p. 131, ll. 1-17)
- Instead, removed the cylinder and placed it back in service.

# ISSUE #1 - PROOF



Date 3/5/08

## Special Instructions:

pick up  
same  
where  
trashed  
Blowed up

pick up  
450 56%  
DATE: 3/7/08

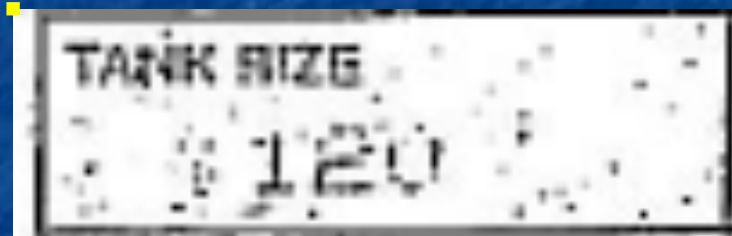
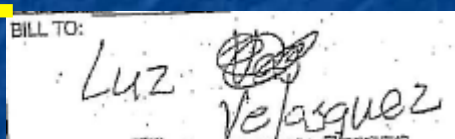
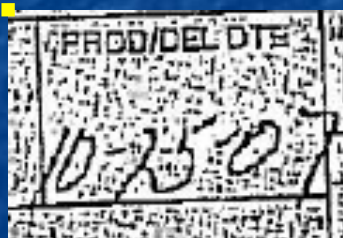
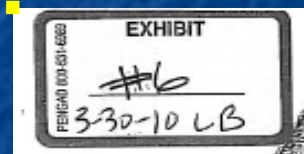
WITNESS, the following signatures:

COMPANY:

By:

*[Handwritten signatures]*

# ISSUE #2 - PROOF



(Deposition of Velasquez, pp. 12-13, ll. 20-2)

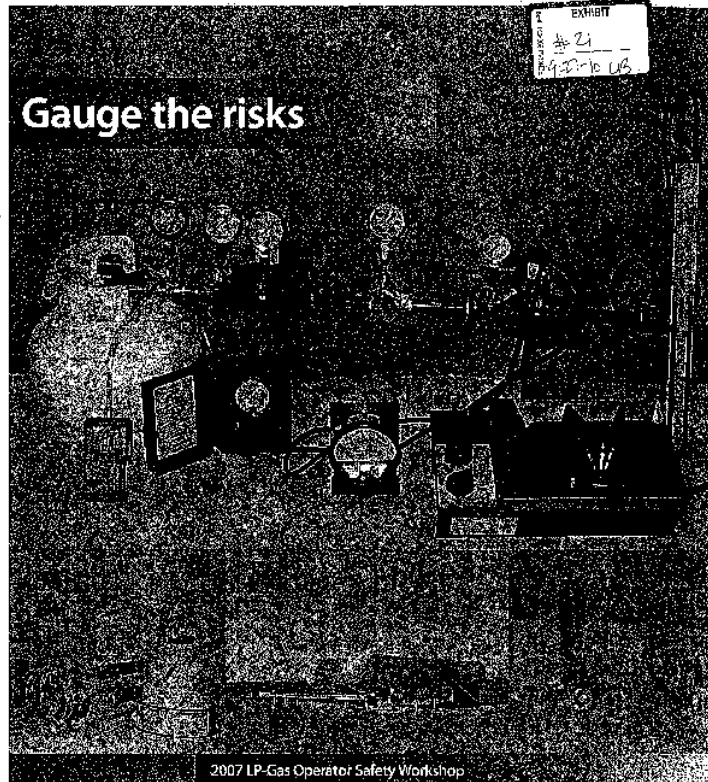


## ISSUE #2 - PROOF

➤ 3 men detected no odor at anytime prior to the explosion

- (Deposition of Quintero, p. 8, ll. 11-15; pp 8-9, ll. 21-1; p. 12, ll. 18-25; pp. 14-15, ll. 21-1)
- (Deposition of Gentry, pp. 8-13, ll. 10-11)
- (Deposition of Smith, p. 24, ll. 4-6)

# ISSUE #3 - PROOF



Nationwide  
Agribusiness

*Without performing a leak check, you will not know for sure if that out of gas call was because of usage or leakage.*

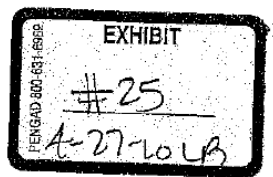
## Today's Agenda

- ❖ INTRODUCTION
- ❖ NATIONWIDE AGRIBUSINESS TOOLS:
  - LOSS CONTROL ELIGIBILITY GUIDELINES
  - CATHODIC PROTECTION
  - HANDS-ON SYSTEM INSPECTION & LEAK CHECK
  - VIDEO - IT DIDN'T NEED TO BE

***NFPA 58 states: "Immediately after the gas is turned on into a new system or into a system that has been initially restored after an interruption of service, the piping system shall be tested for leakage."***

***The term "new system" can include - a brand new LPG system, an existing system but it's new to you or an existing system that you have been servicing but the resident is new to you (rental property). Each of your customers has fallen under the definition of "new system" at one time or another.***

# ISSUE #3 - PROOF



## Corporate Propane Gas Check Policy Revised 07-12-05

Following is a restatement of our Corporate Policy to make sure everyone clearly understands the company policy on gas check procedures.

A. A system check using gas check procedures is required by company policy on all the following situations:

1. 1st Service (new customer or new system)
2. Occupancy change
3. System interruption
4. Leak suspect
5. Out of gas customers

C. There are to be NO exceptions to this corporate policy. Failure to follow this corporate policy is grounds for immediate dismissal.



## ISSUE #3 - PROOF

18 Q. Okay. Exhibit 25, was that the policy  
19 that was in effect on -- in October of '07?

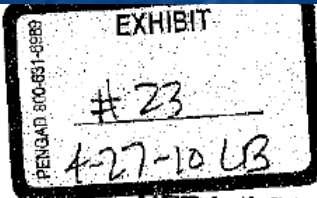
22 A. My understanding, yes.

23 Q. All right. It would have been in effect  
24 as of November 10th of 2007, too; would that be  
25 correct?

1 A. Yes.

(Deposition of Kenney, pp. 69-70, ll. 18-1)

# ISSUE #3 - PROOF



24325 JOHN JORDAN  
LPG Regional Workshop Quiz 8/16/07

1. NEPA # 54 states that prior to

20. A leak check must be performed on a customers system at time of:

1. 1ST SERVICE
2. OUT OF GAS CALLS
3. CHANGE OF OCCUPANCY
4. SYSTEM INTERRUPTION
5. SUSPECT LEAK

# ISSUE #3 - PROOF

#24325

Michael DeYoe

8-16-07

## LPG Regional Workshop Quiz

20. A leak check must be performed on a customers system at time of:

1. New Customer / New Service
2. Out of gas fills
3. Change in Occupancy
4. System Interruption
5. Suspected leaks



# ISSUE #3 - PROOF

STORE # 2X225

11m BRIGHT

8-16-81

## LPG Regional Workshop Quiz

/ 20. A leak check must be performed on a customers system at time of:

1. NEW CUSTOMER / FIRST SERVICE
2. OUT OF GAS FILL
3. CHANGE IN OCCUPANCY
4. SYSTEM INTERRUPTION
5. SUSPECTED LEAK

# ISSUE #3 - PROOF

## ➤ Change of Occupancy

21           Q.     You would agree with me if there was an  
22     **occupancy change** at 2644 Lanny Street, it should have  
23     been gas checked by Rockingham or Southern States?  
24           A.     Yes.

(Deposition of Kenney, p. 82, ll. 21-24)

# ISSUE #3- PROOF

24           Q.     The first time that Rockingham came out  
25 to deliver gas, did they check or do anything to her  
1 propane system, other than fill the tank?

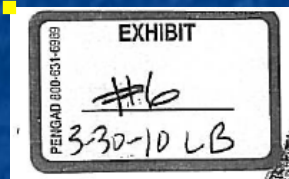
2           A.     No.

(Deposition of Rivera, pp. 12-13, ll. 24-2)



# ISSUE #3 - PROOF

## ➤ SYSTEM INTERRUPTION



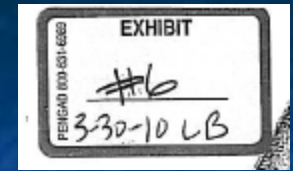
BILL TO:  
LUZ DEJESUS  
\*\*\*CASH ACCT ONLY\*\*\*  
2644 LANNY ST  
HARRISONBURG VA 228020000  
SHIP TO:  
\*\*\*CASH ACCT ONLY\*\*\*  
GAS CUT OFF AT TANK

YOUR SALES NO.

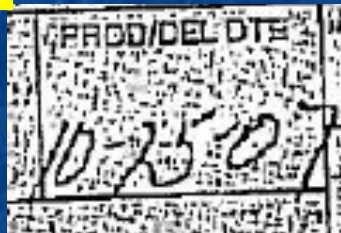
BILL TO:  
LUZ DEJESUS  
\*\*\*CASH ACCT ONLY\*\*\*  
2644 LANNY ST  
HARRISONBURG VA 228020000  
SHIP TO:  
\*\*\*CASH ACCT ONLY\*\*\*  
GAS CUT OFF AT TANK

YOUR SALES NO.

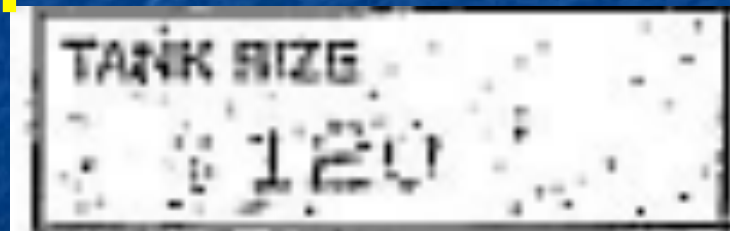
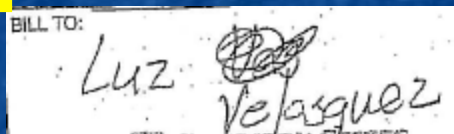
# ISSUE #3 - PROOF



- Last Fill – System Interruption/Gas Out



= 82% Fill



# ISSUE #3 - PROOF

25 Q. You would agree with me that if there was  
1 a **system interruption** at any time at 2644 Lanny  
2 Street, that it should have been gas checked by  
3 Rockingham or Southern States?

4 A. System checked according to gas check  
5 procedures.

6 Q. So the answer would be yes as you  
7 described it?

8 A. Yes.

9 Q. And the same would be true for **out-of-gas**  
10 customers?

11 A. Yes.

12 Q. And anytime that it was not so gas  
13 checked, it would be a violation of Southern States  
14 policy?

15 A. That's correct.

(Deposition of Kenney, pp. 82-83, ll. 25-15)



## ISSUE #3 - PROOF

25           Q.     And any time that there was a delivery  
1    where the gas was turned off at the tank, that would  
2    trigger a gas system check?

6           A.     Correct.

7           Q.     You were the person, once you were hired,  
8    charged ultimately with enforcement of that policy,  
9    weren't you?

10          A.     Yes.

(Deposition of Kenney, pp. 90-91, ll. 25-10)

## ISSUE #3 - PROOF

6 Q. All right. Now, the gas check procedures  
7 that were required, are those gas check procedures the  
8 equivalent of the MPGA gas check procedures?

9 A. I believe that's what it says on there.

10 Q. And then a gas check was supposed to be  
11 done upon system interruption?

12 A. Correct.

13 Q. Define "system interruption" as you  
14 understood it to mean, or what you meant by it.

15 A. **System interruption**, my understanding  
16 would be if you have to shut off the gas or disconnect  
17 an appliance in the process of doing any work on the  
18 system.

(Deposition of Kenny, p. 71, ll. 6-12)

## ISSUE #3 - PROOF

14           Q.     If a gas delivery man goes to deliver gas  
15     to a residence and discovered that the tank is turned  
16     off, that would be the equivalent of a **system**  
17     **interruption** under A of Exhibit 25, wouldn't it?

18           A.     Yes, it would.

19           Q.     All right. Which at that time would  
20     trigger a gas check, wouldn't it?

21           A.     Yes.

(Deposition of Kenney, p. 73, ll. 14-21)



# ISSUE #3 - PROOF

4       Q.    To do a proper gas check, the whole idea  
5 of doing it is to make sure that the gas system is  
6 safe to operate?

7       A.    Correct.

8       Q.    And gas system would have to include not  
9 only -- it would include the propane tank and the  
10 regulators; would it not?

11      A.    Yes.

12      Q.    And all of the gas lines?

13      A.    Yes.

14      Q.    And any appliance connected to the line?

15      A.    Yes.

(Deposition of Kenney, p. 75, ll. 4-7)

## ISSUE #3 - PROOF

18       Q.    And if there's no leaks, then we know  
19 there's no leaks anywhere in the system, which  
20 includes -- would have to include the appliances?

21       A.    Yes; to the control valve.

(Deposition of Kenney, p. 77, ll. 18-21)

# ISSUE #3 - PROOF

8 Q. Did they tell -- did you receive any  
9 information one way or another about whether there was  
10 gas in the tank, or there wasn't gas in the tank that  
11 you needed filled?

12 A. When I went and buyed (SIC) the gas, the  
13 lady told me that if -- how much gas that I wanted.  
14 And I said, I want a full tank. **And she told me it**  
15 **was empty.** So she just put -- I don't know if she  
16 knows how much money it takes to fill the tank or no,  
17 but then she charged me, and then I paid. **She said it**  
18 **was empty.**

19 Q. Do you remember how much you paid?

20 A. It was \$200, something. I don't remember  
21 how much, but it was about \$200.

22 Q. Did you pay at that time?

23 A. Yes.

(Deposition of Velasquez, p. 11, ll. 8-23)

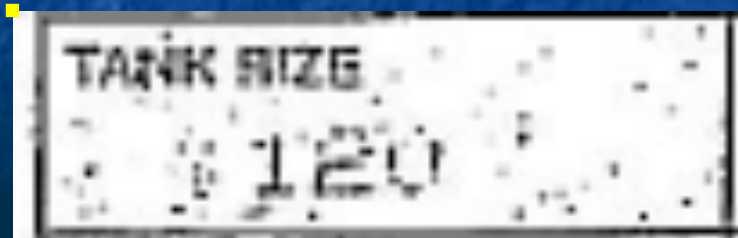
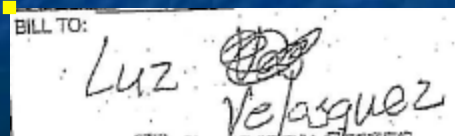
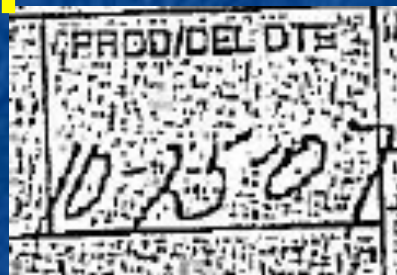
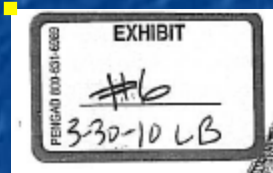


# ISSUES #4 & #5 - PROOF

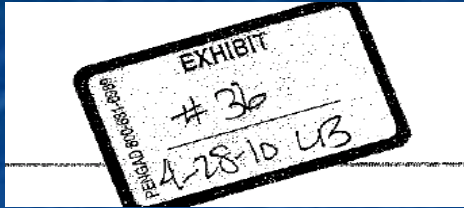
- Luz Velasquez placed Rockingham on notice that the furnace was not working.
  - (Deposition of Velasquez, p. 9, ll. 20-25; pp. 10-11, ll. 23-7; pp. 26-27, ll. 17-14 p. 28, ll. 6-21)
  
- Rockingham did nothing despite promises to come to the house and repair the furnace
  - (Deposition of Velasquez, p. 14, ll. 10-14; P. 28, LL. 16-21; p. 32, ll. 4-10)
  - (Deposition of Rivera, p. 9, ll. 6-12)

# ISSUES #4 & #5 - PROOF

- Filled Tank Knowing System Defect
- Failed to Correct Defect or Lockout System



# ISSUE #5 - PROOF



ALL propane systems must be disabled whenever an UNSAFE condition exists

It is Southern States Cooperative's policy that ALL propane systems must be disabled whenever an UNSAFE condition exists.

Some common UNSAFE conditions include (but are not limited to):

- Leaks
- Incomplete installations
- Open piping
- Disconnected appliances
- Appliances not approved or converted for use with propane
- Improperly installed appliances (no drip tube installed, no shutoff installed, improperly vented, ect.)



# ISSUE #5 - PROOF

6           Q.    If you **lock out** a system, only the  
7    delivery man or the gas retailer would have the key to  
8    unlock it so the system could be used?

9           A.    Yes.

10          Q.    Otherwise, somebody would have to go to a  
11   lot of trouble trying to break a lock to operate that  
12   system?

13          A.    Yes.

(Deposition of Kenney, p. 127, ll. 6-13)

# ISSUE #6 - PROOF

## ➤ Luz Velasquez confirms no warnings provided

- (Deposition of Velasquez, p. 13, ll. 12-16; p. 27, ll. 15-22)
- (Deposition of Quintero, p. 27, ll. 5-10)

## ➤ Elva Rivera confirms no warnings provided

- (Deposition of Rivera, pp. 11-12, ll. 16-5; p. 27, ll. 3-13)

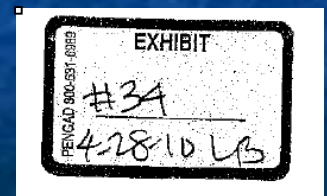
## ➤ Herman Gentry confirms no warnings provided.

- (Deposition of Gentry, pp. 20-22, ll. 23-1)

# ISSUE #6 - PROOF

- Nationwide was highly critical of the lack of warning program.

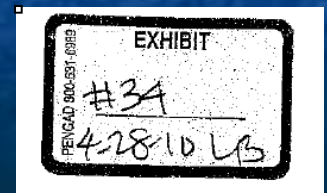
4. 2007/4/1 Critical: It is recommended the “duty to warn” annual mailings include a copy of the postal receipt/in-house meter reading for each mailing. This is a documentation procedure to protect the cooperative. Refer to the “Be on the Safe Side” binder LCXM 421.



# ISSUE #6 - PROOF

- Nationwide was highly critical of the lack of warning program.

6. 2007/4/1 Critical: It is recommended safety information include not just a "scratch and sniff" LP identification brochure, but information on the hazards of LP, emergency procedures, and contact numbers for office and non-office hours. This is to ensure the customer is given appropriate information in the event of an out-of-gas call. Refer to the "Be on the Safe Side" binder LCXM 421.





## ISSUE #6 - PROOF

- Rockingham paid lip service to the importance of warnings.

14           Q.    Are you a believer in educating  
15 consumers?

17           A.    Yes.

19           Q.    Do you agree that the more safety  
20 information you can give a consumer to make them aware  
21 of what's going on, the better off everybody will be?

24           A.    Within reason.

(Deposition of Kenney, p. 86, ll. 14-24)