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\$5.5M for fatal equipment explosion

JVR: Deal sets new high mark for Sangamon Co. wrongful death

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The family of a man who died in a construction site explosion in Springfield settled its lawsuit for more than \$5.5 million.

Illinois 7th Judicial Circuit Judge John M. Madonia approved the deal Sept. 30.

The \$5,505,000 settlement is higher than any previously reported wrongful death verdict or settlement in Sangamon County, according to John L. Kirkton, editor of Jury Verdict Reporter, a product of Law Bulletin Media.

On Oct. 20, 2015, Roger Creason, a union laborer employed by Henderson Construction of Central Illinois Inc., was working inside a 54-inch diameter pipe at the Spring Creek Wastewater Treatment Plant when a joint tester, a piece of equipment that uses high pressure to test for leaks, exploded.

Creason, 42, sustained blunt-force head injuries from the blast. He died in the hospital on Oct. 26, 2015, according to court records.

Creason's employer was a subcontractor to defendant Tobin Brothers, who was hired by Williams Brothers Co., the general contractor.

On the day of the incident, a Tobin Brothers

employee told Creason to go into the pipe with a plumber to observe the joint tester.

The plumber left the job-site before the end of the day, leaving Creason to complete tests on more joints on his own, court records stated.

Creason had no previous experience operating a joint tester, a task usually left to plumbers, according to plaintiff's attorney Edward G. Willer of Corboy & Demetrio P.C.

Creason was inflating the device's bladder — or test cavity — when it burst. The equipment is designed to inflate with pressurized air to provide a tight seal against the wall of the pipe.

Henderson's foreman did not know Creason was operating the joint tester until after the incident occurred, according to court records.

Willer contended the general contractor did not provide a safe work environment.

The estate also argued Tobin Brothers never should have asked Creason to operate the joint tester when he wasn't trained for that job.

Willer said defendant Plug-It Products knew its joint tester had a risk of explosions and serious injury to operators, but the



Edward G. Willer

company did not provide any instructions or warnings about it.

Willer said his team obtained testimony from a similar case filed against Plug-It four years before Creason's incident that showed the manufacturer added extension hoses so operators could work at least 20 inches away from the equipment itself.

Attorneys for Plug-It made the suggestion to add the hose following the earlier lawsuit, but it never reached Creason's supervisors, Willer said.

The construction defendants argued they did not have the right manuals or information to properly train Creason.

Plug-It testified that there have only been eight documented instances of bladder failure in the product's history and no reported

instances of injury when the equipment is used properly, according to court records.

It contended the earlier incident was caused by operator misuse.

It also argued the company provided a safety manual and encouraged anyone using the product to reach out with questions or concerns.

Plug-It argued Tobin Brothers' failure to train Creason was the reason for the incident, court records stated.

Willer said he hopes the settlement will provide Creason's family closure after this "tragic, tragic occurrence in their lives."

Williams Brothers was represented by Donald J. Ohl and Abby D. Bandy of Knapp, Ohl & Green in Edwardsville.

Tobin Brothers was represented by John P. Cunningham and Denise Baker-Seal of Brown & James P.C. in Belleville.

Plug-It Products was represented by Dennis J. Cotter, William R. Klinger and Kimberly A. Herring of SmithAmundsen LLC.

They could not be reached for comment.

The case in Sangamon County is *Tracy Creason v. Williams Brothers Construction Co., et al.*, 16 L 20.