



Defense Lawyers
Association

October 2016 Verdict

Submitted By Gregory L Biehler
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Court State Court

County Santa Fe County

Judge The Honorable David Thomson

Defense Counsel Andrew Cloutier, Gregory Biehler, Sam Tarry, Rich Beaulieu

Plaintiff Counsel Richard Hardy, Josh Conaway, Matt Heap, Nikko Hurada of Fadoull Law Firm

Trier 12 Person Jury

Style *Lopez, et al v. McVay, et al*, No. D-101-CV-2013-01720.

Statement of Facts Devon was the operator on an oil rig in Southeast NM. A service company employee was electrocuted while his company was moving a Blow Out Preventer (BOP) with a gin pole truck and hit a power line. The 23 year old decedent was walking behind the truck keeping the BOP from swaying. He had no fault. His mother and estate sued the driller and Devon. The toolpusher for the driller bullied the service company to move the BOP from one location to the next in violation of several safety rules and common sense. Devon had a history of line strikes at different locations in Texas and NM and had issued safety bulletins to protect from strikes by putting up signs, streamers and goal posts. None of those had been done, because the BOP was not supposed to be moved until the entire rig was moved. Plaintiff argued that pipe had been moved under the line for several weeks and Devon should have marked the line or put up a sign. It also argued that Devon knew of the poor safety record of the driller and kept them on for profit. Plaintiff's lowest demand prior to trial was 19.5 million. Devon offered a significant amount prior to trial.

Verdict Defense

Comments Plaintiff settled with driller before trial for a significant amount and made an affirmative decision to "swing for the fences" against the operator Devon. Judge Thomson was both fair and hard working.

Experts Edward Ziegler was identified by Plaintiff on safety, but not called. Zack Laird for Devon, but not called.
