

Update: Texas Court Still to Issue Final Judgment in Skylight File Case

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A Tarrant County, Texas, jury recently decided one man's fall through a skylight was worth a \$33.8 million verdict in his favor. Motions seeking entry of judgment by both parties are due April 30 and a hearing is scheduled for May 21.

The case developed when Steven Landers, 31, a maintenance worker, fell through a skylight on a roof that he was working on and was injured in 2010. Skylight manufacturer Wasco confirms it manufactured the skylight, and it was installed in 1992 by independent contractors. Landers brought suit against Wasco, the roofing contractor that installed the skylight, and the owner of the building.

Plaintiff's attorneys Haslam & Gallagher report that Landers' right leg was broken and eventually amputated. He also broke his back, left arm and some ribs, and his lung was punctured. He was also out of work for about 14 months, according to Landers' attorneys.

According to court documents, jurors found that there was a "design defect" in the skylight at the time it left the "possession of Wasco Products Inc." The defect, jurors found, was cause for the occurrence. They also found "defect in the marketing of the skylight at the time it left the possession of Wasco Products Inc. ... was a producing cause of the occurrence in question."

In its decision, the jury placed 45-percent of the responsibility on Wasco, 45 percent on Williamson Dickie, the building owner, and 10 percent Anchor Roofing, the roofing contractor.

While the jury found that the worker had incurred damages of \$33.8 million, Wasco says the judge in the case has not entered any judgment for the worker, nor has the Court entered any judgment against Wasco. According to its statement, Wasco "anticipates that the case against it will be dismissed under the Texas statute of repose, because the skylight in question was installed in 1992, more than 15 years prior to the accident that injured the worker."

According to Wasco, "In accordance with industry standards, the skylight was not designed to bear the weight of a human, and was labeled as such. Further, the owner of the building and the skylight contractor had apparently failed to take adequate precautions, and had erected no barriers to prevent accidents of the type that occurred in this case."

"All Wasco skylights, including the one involved in the unfortunate accident, are manufactured to meet or exceed all applicable safety standards. They are properly labeled to prevent accidents like the one that occurred in Texas," says Jeff Frank, Wasco CEO.

Frank explains that his company offers its customers appropriate fall protection screens and takes safety very seriously, but, "responsibility for skylight safety does not rest with Wasco alone. Owners and installers must provide the ultimate protections to assure skylight safety for those who work near and around installed skylights, and that apparently failed to occur in this case. All Wasco personnel are saddened by the accident," he adds.

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