

Family to get \$8.4 million in blast deal

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CONTRA COSTA TIMES

Article Launched: 04/06/2007 03:16:51 AM PDT

The family of a man killed in the 2004 Walnut Creek pipeline explosion agreed Thursday to an \$8.4 million settlement, one of the last of more than \$90 million in settlements made to victims and their relatives.

The wife and children of Matamoros Welding employee Victor Rodriguez settled with Kinder Morgan Energy Partners, the owner of the pipeline, and subcontractor Comforce for part of the settlement. They had reached agreement with construction contractor Mountain Cascade and East Bay Municipal Utility District last year.

"You have a father that is lost at a tender age," said attorney Antonio Ruiz, representing Rodriguez's young daughters. "There's no replacement. The father will literally be a picture on the wall."

The settlement brings the personal injury and wrongful death claims nearly to a close, with Kinder Morgan responsible for more than 74 percent of payouts. The Contra Costa County District Attorney's Office still is considering filing criminal charges in the case, the nation's most deadly pipeline explosion in two decades.

More than a dozen injured workers and families of deceased victims have received settlements ranging from \$275,000 to \$25 million.

On Nov. 9, 2004, a backhoe driver for Livermore-based Mountain Cascade ruptured a high-pressure petroleum line while building a water main for EBMUD. The resulting explosion killed five workers.

State investigators blamed employees of Kinder Morgan and Comforce for making errors while mapping out Advertisement the pipeline's path.

At first, Kinder Morgan denied fault but blamed Mountain Cascade workers for digging too close to the pipeline without the required permission.

Kinder Morgan spokesman Larry Pearce declined to comment Thursday about the settlements, citing the privacy of the families involved.

But, in a written statement, he said the company was pleased to reach agreement with the families.

"Kinder Morgan and its employees ... will continue to strive to ensure that something like this never happens again," he said.

The largest settlement went to Mountain Cascade employee Ignacio Becerra, also known as Martin Topete, who suffered major burns.

"You can't recognize his face," said his attorney, Gregory Moreno. "It totally wiped him out." The family of Tae "Gene" Chin Im received the largest award made to survivors of the deceased victims.

"It was Gene's heroism," said Im family attorney Luke Ellis. "He was the foreman of the crew. He ran back in the trench and tried to save people. That would have impacted a jury."

The settlement in the Rodriguez case comes a day after the relatives of deceased worker Israel Hernandez's were unable to agree on how to disperse a proposed \$8 million settlement.

Judge David Flinn said Thursday that two additional injured workers still have portions of their settlements pending, but most of the families have settled.

Contra Costa County District Attorney Robert Kochly said he is considering felony charges involving great bodily injury or death in the workplace.

"We are still analyzing a long and involved investigation in the matter to determine if there are any appropriate charges, and if so, against whom or what entities," he said.

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