

# Daily Journal

FEBRUARY 15, 2023



## TOP VERDICTS

THE LARGEST AND MOST SIGNIFICANT VERDICTS AND APPELLATE REVERSALS IN CALIFORNIA IN 2022.

### Ruckman et al. v. Big N Deep Ag Development Co. et al.

It was said to be the largest verdict in Kern County history: \$73.6 million to a family that suffered burns and other injuries in a natural gas pipeline explosion.

The blast took place in November 2015. Gloria Ruckman and her mother, Amalia Leal, were seriously burned when a bulldozer operated by Big N Deep Agricultural Development Co. hit a PG&E Co. gas transmission pipeline as the dozer was prepping land for the planting of almond trees.

The women ran from their home, which was destroyed by the resulting massive fire-ball, with Ruckman carrying her 17-day-old child wrapped in a jacket.

Ruckman and Leal spent weeks in a burn unit. They suffered permanent scarring and complications from their injuries.

The litigation, launched in 2015, encountered several delays. "It took a toll on our clients," said Rodriguez & Associates founder Daniel Rodriguez. "The court threw out our case against the



**DANIEL RODRIGUEZ**

landowner, and we had to appeal to get them back in. Then came COVID-19. Then came the PG&E bank-ruptcy." PG&E later settled before trial.

Added Rodriguez' co-counsel, Chantal A. Trujillo: "There were really two dynamics—the run-up to the trial when we were in the Court of Appeal and litigating vicarious liability issues in the trial court, and the trial itself, where there were so many defendants and an issue was how the fault was to be split up."



**CHANTAL TRUJILLO**

Rodriguez said that jurors were swayed by contradictory testimony from defense witnesses. At one point, a farm management company official said he'd instructed the bulldozer operator to dig parallel to the gas line, the safer option. But the operator said he'd been told to dig perpendicular to the line to fit more trees onto the property. Crossing the line allowed the bulldozer to hit it. *Ruckman et al. v. Big N Deep Ag Development Co.*, BCV-



**DANAY GONZALEZ**

15-101699 (Kern Co. Super. Ct., filed Dec. 15, 2015).

"You could almost feel it in the air; the energy shifted in the courtroom," Rodriguez said. Several defense lawyers did not respond to requests for comment. James M. Baratta of Grant, Genovese & Baratta LLP, representing the contractor that hired the excavator, Big N Deep, said he is appealing the 10% fault verdict ascribed to his client. "The judge granted our non-suit on punitives," he noted.

In the end, Rodriguez and Trujillo said they met each element of the vicarious liability requirement by showing the operation posed an unusual risk.

"Our clients' quality of life was taken away," Rodriguez said. "They feel vindicated."

— JOHN ROEMER

#### Case Details

<b>DOLLAR AMOUNT</b>	\$73.6 million
<b>CASE NAME</b>	Ruckman et al, v. Big N Deep Ag Development Co.
<b>TYPE OF CASE</b>	Personal injury and negligence
<b>COURT</b>	Kern County
<b>JUDGE(S)</b>	Judge Bernard C. Barmann, Jr.
<b>PLAINTIFFS' LAWYERS</b>	For Gloria Ruckman and Amalia Leal: Rodriguez & Associates, Daniel Rodriguez, Chantal A. Trujillo, Danay S. Gonzalez; For Robert Ruckman (the minor), Robert Guckman and Gil Leal, The Law Firm of Joseph H. Low IV, Inc., Joseph H Low IV
<b>DEFENSE LAWYERS</b>	Hoppe Law, Theodore W. Hoppe, Adam J. Benkoski; Grant, Genovese & Baratta, LLP, James M. Baratta, Lance D. Orloff