

Lawsuit pending a year after natural gas explosion in Plum
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The explosion at 171 Mardi Gras Drive occurred a year ago today. Richard J. Leith, 64, was killed, his granddaughter injured and the home leveled.

A forlorn lot is all that's left of 171 Mardi Gras Drive in Plum, the scene of a spectacular natural gas explosion a year ago today that leveled the house, killing Richard J. Leith and injuring his 4-year-old granddaughter.

Life has long since returned to normal in the quiet Holiday Park neighborhood, but the legal fight over who's to blame is just beginning.

And while lawyers fight it out, the federal government has reached its conclusion.

The National Transportation Safety Board, which investigates accidents involving interstate pipelines, said in a report that the excavator, Winfield Scott Lea, probably bumped the gas line with his backhoe and damaged it while excavating on the property in 2003.

The impact on the 2-inch line "stripped the pipe's protective coating and made the pipe susceptible to corrosion and failure."

It took five years for the pipe to fail, but it finally did on March 5, 2008.

On that afternoon, the NTSB said, gas suddenly began leaking out, traveling through the ground and into the basement, where it quickly accumulated.

Something then ignited it.

The blast destroyed the house, owned by Antonio and Tina Pettinato. Her father, Mr. Leith, 64, was baby sitting her daughter, Gianna. The explosion killed him and hurled the little girl more than 50 feet, breaking a leg.

Homes on either side of the Pettinato house were also damaged; the one at 167 Mardi Gras, owned by Don Widlocher and Patricia Doyle, later had to be torn down.

That property and 171 Mardi Gras, both valued before the explosion at about \$100,000 for tax purposes, are now listed as vacant land in county real estate records and posted with a "For Sale" sign.

After the blast, many residents had to be evacuated because no one was sure whether their homes were safe.

All is now back to how it was, at least for the neighbors.

But for the Leith family, the ordeal will continue in court, where their suit against the borough, gas company, plumbing contractor and Mr. Lea is pending. Their lawyer, Alan Perer, said he advised his clients not to discuss the case.

"I know that for Mrs. Leith, it's been very, very hard," he said recently. "They were married for a long time. I just spoke with her today and she said she thinks about him every day."

Mr. Perer said Gianna, the little girl, remains traumatized.

"She's doing pretty well with the physical injuries. But like you could imagine, it still recurs," he said.

The suit is proceeding slowly through Allegheny County Common Pleas Court, where it has been complicated by various cross-claims.

In addition to Plum Borough, the defendants are Dominion Peoples Gas Co. and two Apollo contractors, Higgins Plumbing and W.S. Lea General Contracting, Mr. Lea's company.

"Now we have to prove the case," said Mr. Perer. "Within the next six months, we should have some direction."

Lawyers for the companies did not return messages or said they could not comment on litigation, but the parties have filed claims against each other to try to shield themselves from liability.

The case hinges on the events of Oct. 15, 2003, after the homeowners at the time had hired Kevin Higgins, the plumbing contractor, to replace the sewer line so the house would comply with county code.

He, in turn, hired Mr. Lea to uncover the sewer pipe after Dominion and the borough located and marked the gas and sewer lines.

Mr. Lea told the NTSB that he used a backhoe to uncover the sewer line and replaced the original terra cotta line with a plastic one, then backfilled the site with porous sandstone.

But he said he never used the backhoe near the gas line. Mr. Higgins, of Higgins Plumbing, told the board that he dug near the pipeline by hand. Both said they didn't damage the gas line.

During a March 10 interview with the board, the Public Utility Commission and other agencies, Mr. Lea said he'd never had a major accident in 20 years of excavation.

"I just felt we did everything up to code and everything right," he said of the Mardi Gras project, according to a transcript.

The NTSB concluded otherwise, however, after examining the section of pipe at its laboratory in Washington, D.C.

"The dents and the deformation in the pipeline indicate that it had been struck from below by something more powerful than a hand shovel," the board wrote, and said "it is likely that the excavator struck the pipeline with the backhoe."

Mr. Perer can't rely on that conclusion, however, to bolster his suit.

The admissibility of NTSB information in civil cases has long been a subject of controversy in the nation's courts, but causation reports have historically been off-limits in litigation.

The reason is that the government wants to encourage all parties involved in accidents to participate in investigations to find what happened and make sure it doesn't happen again.

If one of those parties knows that information it provides could end up in a lawsuit, it would have an incentive to lie or refuse to cooperate with the NTSB.

But in recent years, some courts have ruled that portions of NTSB factual reports that do not contain conclusions can be used as evidence.

It's not clear how this case will play out, but Mr. Perer said he'll find his own experts.

"It is our position," he said, "that there is enough liability to go around."

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