

Litigation as Related to Heating Equipment Installations

Douglas Sand, PE

Litigation - Heating Equipment

- Property or Equipment Damage
- Personal Injury or Wrongful Death
- Plaintiff/Subrogation vs Defense

Litigation - Heating Equipment

- Players
- Process
- Examples
- Conclusions

Litigation - Players

- Damaged Parties
- Injured Parties
- Property Owners
- Defendants
- Insurers
- Attorneys
- Experts

Experts and Attorneys



Litigation – Damaged Parties

- Injured
- Property Owners
- Corporations
- Home Owners
- Family Members
- Others

Defendents

- Equipment Manufacturers
- Installers
- Distributers
- Property Owners
- Helpful Friend
- Others

Insurers

- Liability Policy
- Workers Compensation
- Builder's Risk Policy
- Home Owners Policy
- Property Policy

Attorneys

- Recovery of Insurance Claim
(subrogation)
- Representing Liability Policy
- Personal Injury
- Personal Injury Defense

Experts

- Metallurgists
- Medical Doctors
- Forensic Accountants
- Forensic Psychologists
- Fire Investigators
- Mechanical Engineers
- Electrical Engineers
- Many Others

Litigation - Process

- Litigation is a Process
- Most Often the Process is Cut Short
- The Process Begins with Injury/Damage
- Before Potential Defendants are Known

Litigation Process

- Occurrence – Fire, Explosion, Injury, Accident, Damage
- Insurance Claim Filed
- Personal Injury Attorney Hired
- Experts Hired
- Defendant Parties Notified
- Investigation
- Litigation

Occurrence

- When the Event Occurs A Claim Sets the Process in Motion
- Insurer Assembles an Investigation Team
- An Initial Investigation Preserves the Scene and Collects Information
- With a Personal Injury/Death this Process Can be Delayed

Defendant Parties Notified

- Experts Hired
- Defendant Parties Notified
- Investigation
- Litigation

Investigation

- Joint Scene Examination
- Collection of Evidence
- Laboratory Examination
- Exemplar Testing
- Research

Litigation Process

- Begins in Earnest Once Lawsuit Filed
- Damages are Quantified
- Discovery = documents
- Deposition
- Jury Trial

Heating Equipment Failures - Examples

- Fire
- Sooting or Carbon Monoxide
- Shutdown Resulting in Freezing
- Overheating - Non-Fire Damage

Heating Equipment Fires

- Vent Stack
- Equipment Overheating
- Errant Burner Flame
- Internal Fire
- Gas Leak

Vent Stack Fires



Vent Stack Fires



Heating Equipment Fires

- Vent Stack
- Equipment Overheating
- Errant Burner Flame
- Internal Fire
- Gas Leak

Equipment Overheating Fires



Equipment Overheating Fires



Heating Equipment Fires

- Vent Stack
- Equipment Overheating
- Errant Burner Flame
- Internal Fire
- Gas Leak

Errant Burner Flame Fires



Errant Burner Flame Fires



Internal Heating Equipment Fires

- Vent Stack
- Equipment Overheating
- Errant Burner Flame
- Internal Fire
- Gas Leak

Internal Heating Equipment Fires



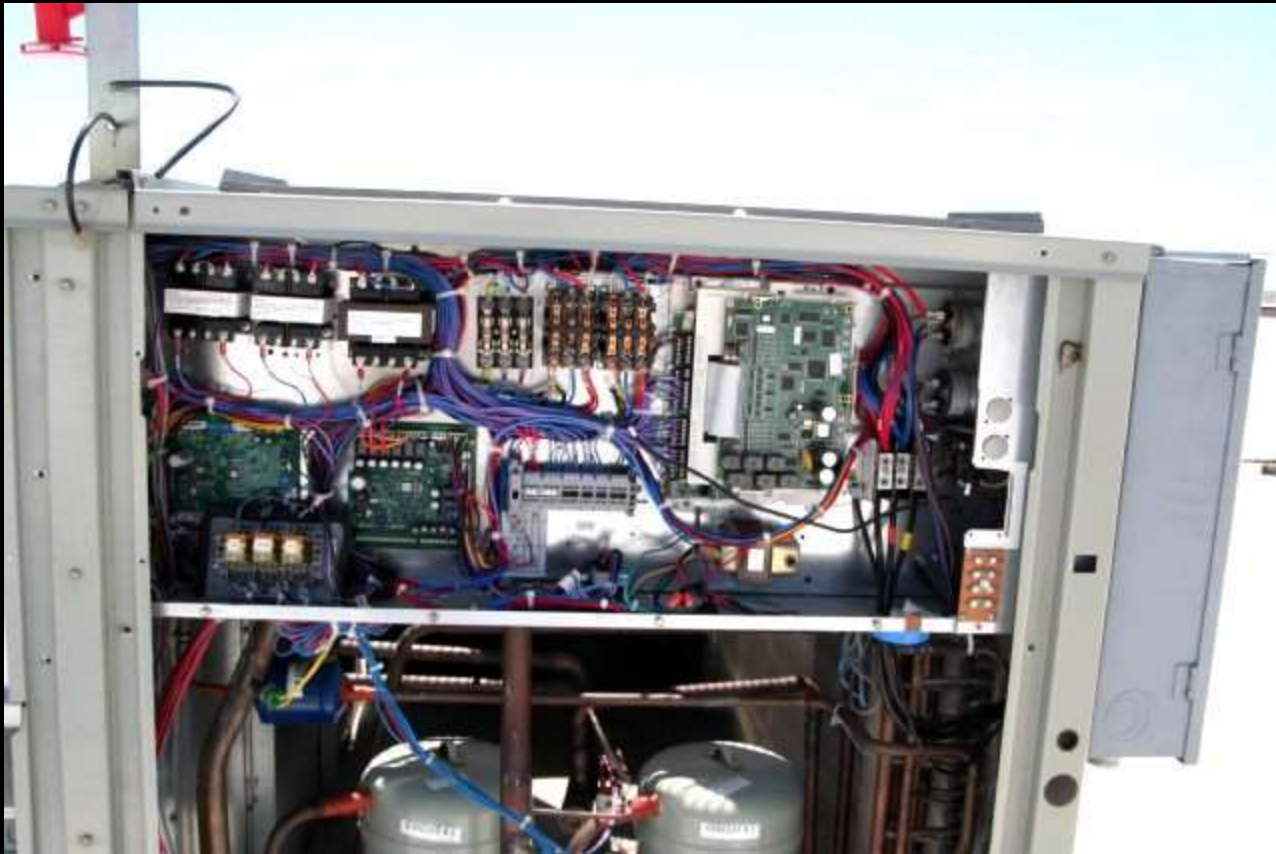
Internal Heating Equipment Fires



Internal Heating Equipment Fires



Internal Heating Equipment Fires



Internal Heating Equipment Fires



Internal Heating Equipment Fires



Internal Heating Equipment Fires



Internal Heating Equipment Fires



Internal Heating Equipment Fires



Internal Heating Equipment Fires



Heating Equipment Fires

- Vent Stack
- Equipment Overheating
- Errant Burner Flame
- Internal Fire
- Gas Leak

Gas Leak Fires



Gas Leak Fires



Gas Leak Fires



Heating Equipment Failures - Examples

- Fire
- Sooting or Carbon Monoxide
- Shutdown Resulting in Freezing
- Overheating - Non-Fire Damage

Sooting or Carbon Monoxide



Sooting or Carbon Monoxide



Sooting or Carbon Monoxide



Gas Equipment Failures - Examples

- Fire
- Sooting or Carbon Monoxide
- Shutdown Resulting in Freezing
- Overheating - Non-Fire Damage

Shutdown Resulting in Freezing



Freezing Failures



Before flooding when was someone last here?

Freezing Failures



Why this winter and not last winter?

Heating Related Failures



Gas Equipment Failures - Examples

- Fire
- Sooting or Carbon Monoxide
- Shutdown Resulting in Freezing
- Overheating - Non-Fire Damage

Heating Related Failures



Heating Related Failures



Heating Related Failures



Conclusions

- **Litigation Process is Unwanted by Most**
- **Most Notified Parties Get Out**
- **Contact Opposing Rep for Info**
- **Don't Ignore**
- **File Claim**
- **Hire Attorney**
- **Assist Consulting Expert**

Questions and Answers

?'s

Litigation

