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Firm to pay \$900,000 for fatal fire

Martinez construction company negotiates settlement, avoids court

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ANTIOCH — A Martinez construction firm will pay \$900,000 to two people as a result of a fatal 1995 industrial accident during the construction of a Delta Diablo Sanitation District pump station.

Dennis McPartland was killed March 8, 1995, in a sudden fire at a district pump station under construction at Seventh and Montezuma streets in Pittsburg. The money will be awarded to the worker's mother, Phyllis, and to his boss, Victor Blair, who was injured trying to save McPartland.

The case was about to go to trial when the \$900,000 settlement figure was agreed on by both sides.

Delta Diablo was protected by contract from having to pay damages and the Albay Construction Co. or a subcontractor will have to pay, said Delta Diablo General Manager Paul Causey. The district has not been involved in the settlement negotiations, he said.

A telephone receptionist at Albay said officials there declined to comment. The lawyer representing both Delta Diablo and Albay did not return phone calls Tuesday and Wednesday.

Causey said he believes Albay's insurance company will pay for the \$900,000 settlement.

The plaintiffs allege that Albay was "directly responsible" for the fire, which was fed by flammable oxygen from a leaking pipe. Albay had recently repaired the pipe with the wrong materials, which caused it to fail, said Blair's Oakland attorney, Lewis Van Blois.

"That was never proved; they never got that far in the trial," said Causey, who did attend the hearing, but said he left before settlement negotiations began.

Lawyers had begun their opening arguments Monday in Contra Costa County Superior Court in Martinez when they agreed on a settlement.

The day of the accident, Blair was on the job site, saw the fire and dove into the 10-foot hole where McPartland was cutting metal beams with a torch. Blair was not able to extinguish the fire on McPartland's body and clothes and was burned himself, according to a report by the California Division of Occupational Safety and Health.

Blair, who will get \$650,000 of the settlement, suffered serious burns to his groin, arm, back and buttocks.

He was out of work for three months, lost clients and had to scale down his business, Van Blois said.

"He still bears the scars on his body and in his mind from the fire and from witnessing the death of his friend," said Van Blois.

District employees spent days preparing for the trial and giving depositions, said Causey. "It's not like this hasn't cost us some dollars. We're catching up (on work)."

Phyllis McPartland said she is upset Delta Diablo and Albay didn't settle a year-and-a-half ago.

"It's settled, and I'm very grateful about that," McPartland said. "I'm very unhappy about the emotional strain and the financial strain. It was just unbelievable."

Another trial over the incident

continues. The insurance company that covered Blair's medical costs and a payment for McPartland's death wants to be reimbursed for more than \$100,000, said McPartland's Santa Cruz attorney, David Fulton.