

“KEEPING PACE” - #72

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WITNESS'S STATEMENT SUFFICIENT FOR SUBROGATION:



This case centered on a total fire in a new pickup truck. The trial was in Maysville, Kentucky, and it lasted just 3 ¼ hours. My expert testimony lasted just 15 minutes, including cross examination.

Just before the fire, with the engine running, the owner and an acquaintance saw gasoline dripping onto the ground near the transmission. They touched and smelled the gasoline. One minute later, they heard and saw a fire begin at the same location. I opined that this was definitely a product defect since no service work had ever been accomplished in that area. I mentioned the likelihood of a defective Teflon fuel line or a loose fuel line connection.

I also admitted that in such an intense fire there are no significant burn patterns remaining which point to an area of origin, let alone a point of origin. I was finished testifying at 11:15 a.m., and the jury rendered a verdict in favor of the insurance company plaintiff at 12:15 p.m.

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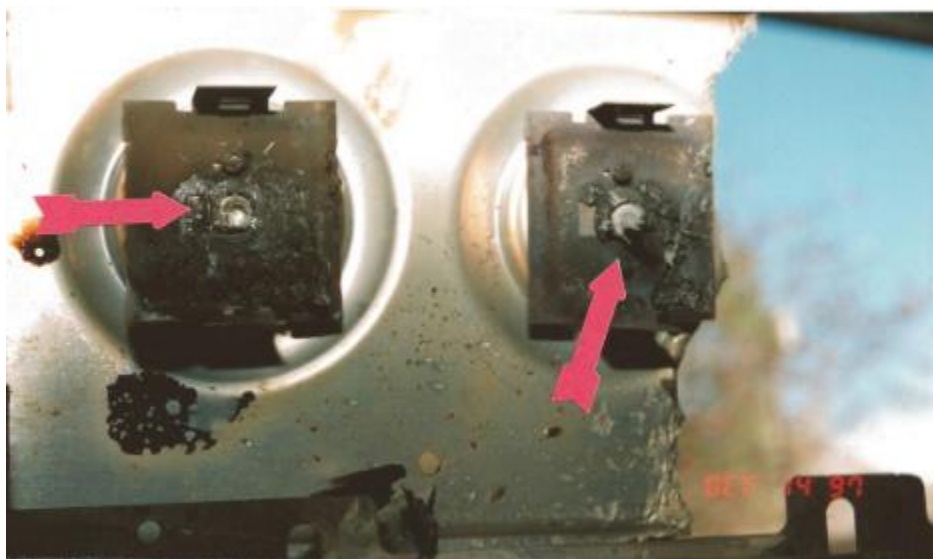
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PROOF OF COOKING IS INSIDE RANGE CONTROLS:



Sometimes the burner control knob shafts are melted away at the front of the range's control panel, and so it is not possible to determine shaft position from the flat spots on the shafts. However, if the control panel is opened from the rear, the covers on the electrical controls can be taken off to reveal the four detent plates inside the four burner controls. If one detect plate is rotated to a different position from the other three, that burner was “On” during the fire. Invariably, you will find that the burner was not only “On,” but in the “High” position. This is just too much of a coincidence not to be a cooking fire if the origin was anywhere in the vicinity of the range.



If the detent plates have been consumed, the C-rings or escutcheon rings may be used for comparison, judging by whether one has been rotated in comparison to the others.