

Baylor Football Stadium Project Drowning Leads to \$19M for Ironworker's Family

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Vuk Vujasinovic, VB Attorneys, Houston.

The family of an ironworker who drowned in 2014 has secured a final judgment of more than \$19 million based on a jury verdict against Austin Bridge & Road, a subcontractor that helped erect a football stadium for Baylor University in Waco, Texas.

The ironworker, Jose Suarez, died after a boom lift to which he was strapped fell from an under-construction pedestrian bridge over the Brazos River, part of the football stadium project.

"We showed the jury that everything Austin Bridge did was to get the job done as quickly as possible and that meant putting safety on the back burner," said Vuk Vujasinovic of VB Attorneys in Houston who represents the Suarez family members who pursued the wrongful death lawsuit.

The final judgment, issued this month by 151st District Judge Mike Engelhart in Houston, included \$2 million in punitive damages.

A key moment during the trial, which ended in April, came when Vujasinovic cross-examined an expert called by Austin Bridge; the expert "flipped his testimony on the stand to say that Austin Bridge had not been acting reasonably and prudently," according to the plaintiffs lawyer.

At trial, Vujasinovic asked the jurors to place 100 percent liability on Austin Bridge and none on any of the five other corporate defendants; the jurors complied with his request.

Prior to Engelhart signing the final judgment, Austin Bridge filed a motion to disregard the jury's verdict against it. The court denied that motion, but in it, Austin Bridge argued it was immune to liability because Baylor had purchased and implemented at the start of the football stadium construction project an owner controlled insurance program (OCIP) in which Austin Bridge participated. That OCIP coverage, under the Texas Workers' Compensation Act, provided Austin Bridge the immunity since it could be regarded as a co-employee of Suarez, the motion argued. Also Austin Bridge had no retained contractual control over Suarez, the motion argued.

Jessica Barger of Houston's Wright & Close, who represents Austin Bridge, did not return a call for this story.

Vujasinovic expects the company to appeal.