

# Defective utility pole nets \$5.9M settlement

By Richard L. Pemberton Jr.

**A**noka attorney Fred M. Soucie demonstrated last fall that a small firm can take on a power company and win big.

Soucie procured a \$5.9 million settlement for his clients — the widow and two small children of a man crushed by a faulty electrical pole.

Despite the successful outcome, Soucie stresses that the case was not an easy one.

"It cost a tremendous amount of money, expert time and energy," Soucie points out. "We had to spend 381,000 of the law firm's dollars to pursue justice for [the widow] and her children."

While Soucie's firm (Soucie, Buchman, Grover & Bolt) is a small one, he acknowledges that "we've been privileged to handle a lot of significant cases over the years."

In fact, Soucie's seven-lawyer firm has successfully handled a number of other power-line cases.

"These are significant cases and I appreciate the opportunity to represent people in this area of the law," Soucie observes. "But I am also very mindful that each of these cases involves a real personal tragedy for my clients."

## Pole breaks

On Sept. 26, 1994, Paul Nordstrom, an independent contractor who performed installation work for cable companies, was out on a routine call. Nordstrom was removing television cables from a pole with power lines, in accordance with a request made by Interstate Power Co., which owned the pole.

Suddenly, the pole came crashing down on top of Nordstrom, killing him.



FRED M. SOUCIE:  
Firm invested \$381,000 in case

When Soucie later began his investigation of the case, he says he made a startling discovery — Interstate Power knew that the pole was defective six months prior to the accident, but did not replace it. Instead, the company had workers add a brace to wedge the sagging pole in place.

The alleged negligence of Interstate in dealing with the pole would become the focal point of the wrongful death suit.

According to Soucie, the power company did not replace the pole immediately after the sagging was discovered because the pole was located near a highway replacement project, and was scheduled to be removed.

The brace that the company's managers decided to use was a wire rope anchored to the ground that allowed the pole to be winched into an upright position. Soucie observes that the decision was against the advice of some lower-level employees, who urged their

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supervisors to let them replace the pole.

Soucie further maintains that Interstates' management even overrode the foreman's suggestion that the defective pole at least be braced with the stub of a second pole.

Shortly before the accident, an Interstate foreman allegedly had noticed the pole was rotten at its base and had told Nordstrom he should not be working on it. However, even though a bucket truck was located nearby, neither the foreman nor anyone else sent for it to help Nordstrom get down from the pole.

## Making it a federal case

When his initial settlement demand was not met, Soucie commenced suit in state court in Mankato.

Interstate removed the case to federal court, and brought into the suit Lake Cable — the company that had hired Nordstrom to remove the cable lines.

On Oct. 30, the parties agreed to the \$5.9 million settlement.

## Contentious case

Soucie observes that the case was

hard-fought.

"The handling of this case was very contentious," he explains. "The power company attempted to wear down the plaintiff. But I had an extremely courageous client in Mrs. Nordstrom. She was very disturbed by the senseless, needless way her husband died. She was willing to fight at every step of the way."

Soucie says that his deep respect for the decedent also inspired him to fight vigorously.

According to Soucie, the conflict between the parties and their lawyers centered around "the attempt by engineers inside the power company and outside experts hired by the power company to blame Mr. Nordstrom for his own death."

Interstate claimed that Nordstrom's accident happened because he cut a line after he received a warning from the foreman that the pole's base was rotten. The act of severing the power line allegedly caused the pole to become "shock-loaded." Interstate's experts claimed that this "shock-loading" caused the pole to collapse.

"We absolutely destroyed Interstate's theory," Soucie states. "We hired a

structural engineer and we tested Interstate's theory. We sunk three power poles into our expert's backyard. We strung the same lines and equipment on the poles as were present at the time of the accident. We then did what they claimed Mr. Nordstrom had done: we cut a line. And nothing happened."

The plaintiffs' experts then took the test one step further, according to Soucie.

"We then elevated the line, put much more force on the pole and cut the line," he observes. "Again, nothing happened. ... We demonstrated through this model the absurdity of [Interstate's engineers'] attack against our client."

Soucie gives lots of credit for his success in the case to his structural engineer, Dr. Steven Covey of St. Cloud State University.

## One of eight

Soucie says his upbringing prepared him for the rigors of dealing with tough cases.

"I'm one of eight Soucie kids," he explains. "I grew up with a brother who was a year older and a lot stronger than me. My dad had been a boxer in the

Navy, so when my brother and me got into fights, we'd end up boxing in the middle of the living room with my dad as referee. I can remember when the boxing gloves would come up to my elbows, I was so small. But I learned at an early age how to fight hard and fight honorably, with no low blows."

Soucie also credits his success in practice to the first job he took after law school, which had nothing to do with practicing law.

"After I finished law school and had passed the bar exam, I realized that I didn't want to look at another book let alone sit in a law office all day," he recalls. "So I went to work on a clam boat on the Atlantic Ocean off the coast of Maryland. ... I learned a lot about hard work. I didn't tell anybody I was a lawyer, but just that I needed work."

Soucie returned to Minnesota to help his mother raise his two younger brothers, then ages 13 and 16.

"I realized that if I was going to help my mother, who was on her own with these boys, I couldn't stay out on the ocean," he explains. 