

Draft Op-ed on John Caballero--596 Words

"Severely Injured Worker Turns Down Millions--Nothing Frivolous About It"

By Craig McDonald

Earlier this month a dramatic holiday story quietly unfolded. John Caballero, a Victoria oil field worker and triathlete whose life was shattered in an oil well blowout, turned down a \$30 million jury award in return for a safety plan that will protect other workers from similar tragedies.

As Caballero was working at an Essenjay Petroleum well, a pressure-regulating device which had not been properly installed exploded at a force that struck John at up to 2000 pounds per square inch. The 15 year industry veteran was thrown thirty feet into a stand of pipes. He suffered brain damage, vision and hearing loss, a broken neck and back, a crushed foot and ankle, a dislocated hip, and was literally scalped. Doctors speculated that if the 42 year-old triathlon competitor had not been in prime physical condition he never would have survived such traumatic injuries.

Devastating accidents such as John's are not rare in the dangerous oil and gas industry, but his response to this calamity is a rare example of selflessness. It also shows that our civil justice laws and courts are working to protect Texans when they need it most.

Although Caballero's employer was a sub-contractor, a well-balanced Texas law allowed Caballero to seek reimbursement from Essenjay, who was rightly held accountable for the carelessly installed pressure device.

A jury found Essenjay to blame for the accident and compensated Caballero for his medical expenses and lost earnings. The jury also imposed a \$30 million penalty to deter future carelessness by Essenjay or any other company in the industry. But John Caballero offered to relinquish the punitive damages if Essenjay agreed to implement a safety plan to protect other employees. "It was our belief that punitive damages are intended to protect the public, and with this agreement that is exactly what will happen," he said, explaining it better than any lawyer.

Jeff Policoff, the attorney for Essenjay, explained his company's commendable actions by saying "We do not want to see any of our workers or any other companies' workers suffer the same fate and have decided that instead of spending millions of dollars in endless appeals, we would rather spend those resources increasing the safety of our workers and those that work around them."

Unfortunately, many Texas companies have taken a far more reckless approach to safety in recent years. Instead of investing in their employee's safety, many corporations have dumped a king's ransom into the political system to push "tort reform" laws to keep victims like John Caballero out of the court room. We all know that an ounce of prevention is worth a pound of cure. The best way to cut down on lawsuits is to invest adequately in workplace safety, not by locking the court house door.

John Caballero's life has been changed forever. While he is blessed to have his wife of 20 years and two children by his side, he will never work or compete in triathalons again. This ex-

serviceman and model employee can never even throw a football with his children. No award, not even \$30 million, could compensate him for his losses. But his first concern is still for others.

"If some good can come from my experience, then that experience becomes less hurtful," said Caballero. "Make no mistake, what happened is still painful. The money I have received will take care of my medical expenses and lost wages, but nothing can put me back to the way I was before the injury. But I am glad that the chances others will suffer as I have will be diminished."

#

Craig McDonald is the director of Texans For Public Justice, a non-partisan, non-profit consumer advocacy group.