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Case Over Fatal Food Truck Explosion Settles for \$160M

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Of the Legal Staff

What began with a fatal explosion inside a North Philadelphia food truck has ended with a resolution that several attorneys involved called the largest global pretrial personal injury settlement in Pennsylvania history.

The rental company U-Haul has agreed to pay \$160 million to settle claims stemming from a fatal 2014 explosion that killed two women and left 11 others injured, according to several attorneys involved. The multimillion-dollar settlement covers claims brought by only four plaintiffs, but it resolves the litigation, as all the other plaintiffs previously obtained confidential settlements, the attorneys said.

The settlement came after a week of mediation in front of retired judge Diane Welsh. Because some of the claims involve minors, attorneys said the settlements are still subject to final court approval.

Feldman Shepherd Wohlgelernter Tanner Weinstock Dodig's Alan Feldman, who along with Daniel Mann and Edward Goldis represented the mother and daughter killed in the



KEN FULGINITI



TOM DUFFY



SARAH DOOLEY

explosion, said the settlement “shines a spotlight on a practice that really hadn’t received a lot of attention.”

“It shows how important it is to scrutinize the propane tanks brought to any facility to make sure federal regulations and standards are followed,” Feldman said. “Hopefully the result is the elimination of tragedies like this.”

The case, captioned *Galdamez v. U-Haul*, stemmed from a food truck explosion that occurred July 1, 2014, in Philadelphia’s Feltonville section.

The plaintiffs sued U-Haul over allegations that it failed to properly inspect a more than 65-year-old propane tank that caused the explosion. The tank, according to the allegations, was manufactured in 1948, and had never been inspected. The plaintiffs alleged

U-Haul was negligent for refilling the tank even though there were no markings showing the tank had been recently recertified for safety.

The two women who died in the explosion were the truck owner and her daughter. The suits were brought in 2015 by the family of the two deceased women, three people who were allegedly driving by the truck at the time of the explosion, two people who were walking near the truck, two relatives of the owner who were allegedly in the truck, an alleged customer and a helper who was allegedly sitting beside the truck.

Saltz Mongeluzzi Barrett & Bendesky’s Robert Mongeluzzi, who handled one of the cases along with Andrew Duffy and Ben Baer, said the

settlement was a team effort between the numerous attorneys involved and U-Haul.

“This was a terrible catastrophe,” Mongeluzzi said. “Really, the company itself and its lawyers worked to try to, as best they could, compensate the victims of what occurred.”

Duffy + Partners attorney Kenneth Fulginiti, who along with Thomas Duffy and Sarah Dooley represented one of the plaintiffs, noted the case involved more than 100 motions, 60 experts, and 55 attorneys against the three plaintiffs firms.

“This was a very hard-fought case,” Fulginiti said.

Plaintiffs’ attorneys agreed that the crucial piece of evidence leading to the settlement was a video the plaintiffs were able to obtain from both outside and inside the U-Haul store, which showed that the tank had been filled at a U-Haul facility.

According to attorneys, the litigation was complex. Initially, 10 separate lawsuits were filed, before they were eventually consolidated for discovery. There was also a dispute in January over whether federal investigators needed to turn over evidence, including the propane cylinders that were on the truck at the time of the explosion. The investigators had refused to allow U-Haul to access the evidence due to its criminal investigation of the matter. As a result, Philadelphia Court of Common Pleas Judge John Milton Younge ruled in April that Miguel Rivera, who was a manager at the U-Haul facility who filled the propane tank that eventually exploded, needed to at least attend



Still image from video of the food truck explosion

the deposition and be asked questions before asserting his Fifth Amendment right against self-incrimination.

Last week, the U.S. Department of Justice also announced criminal indictments against U-Haul and Rivera.

After three years of litigation, the case was set for trial in early July. Although the Fifth Amendment issue was on appeal to the Superior Court and a stay in the case was likely given the recent indictments, attorneys said the pressure of the looming trial helped push the parties to settle.

The settlement breaks down to nearly \$36.5 million for the wrongful death suits involving the mother and daughter killed in the explosion, more than \$54 million for Fulginiti’s client, and more than \$69 million for Mongeluzzi’s client.

The attorneys agreed the global settlement appeared to be the largest pretrial global resolution of a personal injury case yet in Pennsylvania, with Mongeluzzi’s case coming to the largest pretrial personal injury settlement in the state, Fulginiti’s case ending in the largest pretrial settlement for a minor in Pennsylvania, and the case Feldman handled ending with

the largest collective pretrial wrongful death settlements in Pennsylvania.

U-Haul was represented by Lavin Law attorney Joseph O’Neil. He did not immediately return a call for comment Wednesday morning.

U-Haul’s vice president of communications, Sebastien Reyes, said in an emailed statement that “continued sympathies of everyone at U-Haul Co. of Pennsylvania are with the individuals and families affected.”

“While U-Haul routinely fills propane cylinders for the food industry, U-Haul maintains that it did not fill the propane cylinder involved in this tragedy,” Reyes said. “U-Haul thanks plaintiffs’ counsel in recognizing our defense was in a responsible and transparent manner, and there was persistent compassion shown to the individuals involved.”

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