

# Families Awarded \$25 Million in Deaths of Joplin Couple

## Boat manufacturer issued recall for faulty part last week

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ST. LOUIS, Mo. — A St. Louis jury has awarded the families of a Joplin couple \$25 million in punitive damages in connection with their 1999 deaths from carbon monoxide poisoning on a boat at Lake of the Ozarks.

The jury last week also awarded \$691,000 in actual damages to the children and mothers of Randy and Lois Anderson for their deaths. The Andersons owned and operated a local construction firm, Heartland Homes.

Two employees who were with them on the boat, Bob Stein, 42, and John Harris, 32, also died on May 30, 1999, during a Memorial Day weekend outing in the Andersons' cabin cruiser.

The \$25 million in punitive damages was awarded after evidence was presented that four others had died before the Andersons because of similar leaking exhaust pipes, and that the company that manufactured the pipe, Kohler Co. of Kohler, Wis., did not issue a recall.

Joplin attorney Ed Hershewe, who represented the Anderson family, said Kohler quit making the part from a metal he described as cheap, but the company never took action to replace the faulty part until last week. He said Kohler issued a recall last week as the trial drew to a close.

"Kohler manufactured the generator, and a critical part in the generator failed, an exhaust nipple," Hershewe said Monday. "The pipe corrodes from the inside out so you can't see it, and it leaks carbon monoxide, which is odorless, colorless, tasteless and deadly."

Hershewe said he and Patrick Martucci, another member of his firm who represents the Andersons, presented evidence that two people in Texas died in 1995 and two in the state of Washington died before that from the same problem.

"Kohler had originally selected a metal that would last the lifetime of the part," Hershewe said. But then, he said, a less expensive substitute material was used for reasons other than safety.

"They had a 16 percent to 20 percent failure rate with this part, and they just never recalled the part and took the chance," he said.

Kohler had denied the allegations. Michael Kreen, a spokesman for Kohler Co., said Monday that he could not discuss the details of the company's contentions during the trial or say yet whether there will be an appeal. He issued a written statement on behalf of the company:

"First of all, Kohler Power Systems extends its sympathies to the Anderson family. Beyond that, Kohler thanks the St. Louis jury for their time and the efforts they invested in this case. As is its standard procedure, Kohler will carefully and thoroughly review the decision."

The families of Stein and Harris also filed suit. A \$1.125 million settlement was reached on behalf of Stein's family, his mother, Marjorie Crim,

and a minor daughter, Katherine Stein, by her mother, Linda Stein. The settlement was not paid in a lump sum; much of it is to be paid in payments over a period of 30 years.

Kohler was not the only defendant in that lawsuit. Others were Silverton Marine Corp., the boat manufacturer; Blatco Inc., doing business as Cedar Point Marina, where the boat was stored and serviced; and the estates of the Andersons as well as others.

The family of Harris also filed suit in St. Louis, and trial is scheduled to start there April 21. The Harris family is represented by Joplin attorney Judd McPherson.

"We anticipate the same outcome as far as determination of fault," McPherson said. "There are certainly grounds for punitive damages because of the prior deaths and the lack of action."

Under law, half of the punitive damages awarded in the case must go to a state fund, the Missouri Tort Victims' Compensation Fund, Hershewe said. The fund was established to pay money to people who win lawsuits but are unable to collect any of their damages from defendants who are broke or not insured.

But, punitive damages are rarely awarded and are sometimes overturned or reduced by appellate courts, which has left the fund short of money to pay many claims.

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