

MR. SPECTER'S OPENING STATEMENT

1 So, we're going to do our best though
2 to stick to the schedule. I will try to
3 tell you a little more on that at the end
4 of the day.

5 But if we're not, if things are not
6 starting exactly on time, then there's a
7 reason for it. We are working on the
8 case. Okay?

9 Now, I want you to hear the times we
10 advise you of because when we're ready to
11 go, we're ready to go. We need to get it
12 done. Okay?

13 All right. Now you're going to hear
14 from Plaintiff's counsel, Mr. Specter, and
15 thereafter, you will hear from
16 Mr. Levicoff.

17 Mr. Specter.

18 MR. SPECTER: May it please the Court,
19 counsel, Goretzkas.

20 Ladies and gentlemen of the jury,
21 thank you for your patience, yesterday for
22 those of you who came yesterday, and today
23 for all of you. Some of you may not get
24 lunch today, I think. And for that, I'm
25 sure we all apologize.

MR. SPECTER'S OPENING STATEMENT

1 This is Carrie Goretzka.

2 THE COURT: We're going to turn those
3 lights off for you.

4 MR. SPECTER: Thank you, Judge. I'll
5 wait for that. Thank you. Please pardon
6 my back.

7 Carrie Goretzka was a homemaker. She
8 was a daughter, a wife, and a mother. She
9 was a beautiful person inside and out.

10 She was brutally killed by
11 electrocution when a 7200 volt power line
12 installed and maintained by West Penn
13 Power fell on her while she was standing
14 on her property on a clear and sunny day
15 three-and-a-half years ago.

16 We are here because you must fix
17 responsibility for this unspeakable
18 horror.

19 The Defendant West Penn Power denies
20 responsibility. Instead, West Penn Power
21 blames the victim, Carrie Goretzka.

22 Now, as I think you heard during those
23 voir dire statements down the hall, on
24 June 2, 2009, Carrie was at home in West
25 Hempfield with her mother-in-law JoAnn

MR. SPECTER'S OPENING STATEMENT

1 Goretzka and her daughters, four-year-old
2 Chloe and two-year-old Carlie.

3 The family had returned from a
4 vacation in Disney World just three days
5 before. This is one of the last photos
6 taken of Carrie alive.

7 As was customary for Tuesday
8 afternoon, JoAnn was there to help with
9 the girls, and then the entire family
10 gathered for dinner when Mike got home
11 from work.

12 Just before 4:30 in the afternoon, the
13 girls were in the living room watching
14 cartoons as Carrie and JoAnn started to
15 make dinner.

16 All of a sudden, the power went out.
17 The girls got upset. It being a June
18 afternoon with no power, the room started
19 to get hot and stuffy.

20 Carrie went to open the dining room
21 windows to let some air in. She saw the
22 trees in the backyard were on fire. She
23 and JoAnn both saw the fire in the
24 backyard from the dining room, and then
25 they walked into the kitchen to see it.

MR. SPECTER'S OPENING STATEMENT

1 There's the kitchen. There's the view
2 out the kitchen window. If you look up on
3 the big screen, you can see my laser
4 pointer, there's the kitchen window where
5 they looked out, and here is the view they
6 saw out the kitchen window.

7 Again, on the big screen, the power
8 line had fallen in these big pines, and
9 they were on fire.

10 Here is the view of the house looking
11 back from the same trees. Power lines
12 come up through here. The trees are up
13 above. Here is the view from the kitchen
14 window. Over here would be the living
15 room window. This is the bedroom window.

16 So, they looked out these windows.
17 They saw the trees up here on fire from a
18 fallen power line.

19 Carrie tried to call 911 from the
20 house phone, but it did not work because
21 the power was out.

22 So, Carrie went to the garage to get
23 her cell phone from her purse to call 911.

24 Now, at the Goretzka house, you
25 couldn't get cell phone service inside the

MR. SPECTER'S OPENING STATEMENT

1 house. The cell phone wouldn't work
2 inside the house. Cell phone service was
3 best in the side yard over here off the
4 driveway. That's where she went to make
5 her call.

6 She made three attempts to call 911,
7 and here are the phone records. Here you
8 can see two at 4:28 p.m. and one at 4:29
9 p.m. to 911.

10 She made three attempts to call 911
11 unsuccessfully standing in the side yard,
12 apparently.

13 JoAnn stayed with the girls in the
14 house while Carrie was outside. The girls
15 were upset. They started asking, "Where
16 is mommy? Where's mommy?"

17 So, JoAnn went down the steps in the
18 living room out to the driveway to see
19 where Carrie was.

20 There she saw Carrie laying in the
21 side yard having been struck by the fallen
22 power line being electrocuted and on fire.

23 Carrie was laying right here. Here is
24 the driveway. Here is the side of the
25 yard.

MR. SPECTER'S OPENING STATEMENT

1 So that you get a sense of this, this
2 distance, this is only about 14 feet. So,
3 one, two, three, four -- not quite five
4 from the edge of the driveway to where
5 Carrie was laying.

6 JoAnn ran across the driveway to try
7 to rescue Carrie. She got as far as the
8 grass, and then she was thrown backward
9 and down by the force of the 7200 volts of
10 electric power, and she landed on the
11 ground, which was itself energized by the
12 fallen power line, and she burned her
13 fingers.

14 She picked herself up, she screamed at
15 the top of her lungs, "Help me, help me."
16 And neighbors came to assist.

17 This is the Goretzka neighborhood
18 taken from what I think many of you will
19 recognize as that Google Earth Program you
20 might see on your computer. Let me give
21 you some orientation.

22 Here is the Goretzka house. Here
23 would be the dining room. Here is the
24 living room. Here is the kitchen. That's
25 the window out of which they look from the

MR. SPECTER'S OPENING STATEMENT

1 kitchen. There is the window that they
2 would have looked out of from the dining
3 room.

4 There are the trees back here in the
5 backyard that were on fire. Here is that
6 backyard pool. I'm sure some of you saw
7 an above-ground pool.

8 The power line ran from across the
9 street to this pole. The lines ran along
10 the side yard of the property to a pole
11 back here along the course below them
12 cable wires, telephone wires.

13 Now, Tim Harper lived right down here
14 just off the street. He was working at
15 his computer at home. He was a volunteer
16 firefighter for over 20 years. He
17 responded immediately. He came running
18 up.

19 Don Thoma, also a volunteer
20 firefighter who lives in this house right
21 here, he heard the screaming. He came
22 out, drove his truck down, parked it here,
23 came on up.

24 Mike Thornburg, mailman delivering
25 mail right over here, got in his mail

MR. SPECTER'S OPENING STATEMENT

1 truck, came around the corner, came to the
2 scene.

3 Michelle Siegel out in her garden
4 right over here. Right about here, just
5 off the screen. She came running up the
6 street.

7 While all that was happening, while
8 they were responding to JoAnn Goretzka's
9 scream, Chloe and Carlie came outside of
10 the house, and they watched what was
11 happening to their mother on this spot.

12 Eventually, Carrie was taken from the
13 yard by ambulance to a MedEvac Hospital.
14 It had been flown into West Hempfield
15 Elementary School up the street. She was
16 then airlifted to UPMC.

17 She had a complete left arm and
18 shoulder amputation at the hospital and
19 several surgeries to remove pressure from
20 her limbs before dying three days later on
21 June 5, 2009. Carrie Goretzka was
22 39-years-old.

23 How and why did this power line fall
24 on a clear and sunny day and come into
25 contact with Carrie Goretzka?

MR. SPECTER'S OPENING STATEMENT

1 First, it is undisputed that the line
2 fell from a separation that occurred
3 inside a splice like this at the top of
4 this pole.

5 So that while Carrie and JoAnn saw the
6 fire back here, the break actually
7 occurred here and brought the line down
8 across the length of the side yard.

9 Here is that pole I just showed you.
10 This pole right here. Just to give you
11 some orientation, this is south down here.
12 This would be east. This would be north.
13 This would be west.

14 So, this pole is on the southeast
15 corner of the property.

16 Here is that pole. Here is the splice
17 up in the air with no power line attached
18 to it going north. That's where the line
19 fell. It came out of that splice.

20 Here is that splice up in the air on
21 top of that pole, the line fell out of
22 that splice on that day, a clear and sunny
23 day.

24 When it fell, it came into contact
25 with those trees in the backyard setting

MR. SPECTER'S OPENING STATEMENT

1 them on fire. That's what Carrie and
2 JoAnn saw at 4:30 in the afternoon on that
3 day just before the fire was created in
4 those trees.

5 At the same time, and unknown to
6 Carrie, it also fell onto these phone
7 lines in the side yard. It fell from up
8 here down onto the phone lines in the side
9 yard above where Carrie was injured.

10 You can see that's where she was
11 struck. You can see her shoes here that
12 came off in that sequence.

13 You recall I mentioned the phone
14 lines. Here is another view of those
15 phone lines.

16 The power line came down and it
17 initially hung up in these phone lines
18 before toppling down on top of Carrie.

19 Now, Tim Harper. He was the volunteer
20 firefighter who lived just south of
21 Carrie, the fellow working at his
22 computer. He heard the screaming. He was
23 on the scene within a minute or two. He
24 lived right down here.

25 He saw these phone lines on fire. He

MR. SPECTER'S OPENING STATEMENT

1 saw this, what I'll call junction box --
2 you see it right here -- dripping hot
3 plastic, hot molten plastic.

4 That, of course, occurred from the
5 power line laying on top of the telephone
6 lines and the junction box for a period of
7 time long enough to catch them on fire and
8 cause the junction box to be dripping hot,
9 molten plastic even up until when Harper
10 got there.

11 The next day, Verizon came out, and
12 this is the Verizon truck. They repaired
13 the phone lines right where the power line
14 had come down on top of them.

15 Now, after this incident, this phone
16 line now has two junction boxes. That
17 probably is not the technical word for it,
18 but that's the word that I call them. Two
19 junction boxes, whereas before it just had
20 the one. There's no second junction box
21 here. This has been added.

22 It was added when the phone lines were
23 replaced after the power line had come
24 down on top of them.

25 Now, West Penn Power, as I'm sure you

MR. SPECTER'S OPENING STATEMENT

1 can appreciate, is a public utility.
2 Because it has the license and privilege
3 to supply high voltage electricity and the
4 privilege to string their thousands of
5 high voltage lines everywhere across
6 public and private property throughout the
7 community, the law requires West Penn to
8 use the highest degree of care practical
9 to protect people under or near their
10 lines.

11 Everyday most of us walk or travel
12 under power lines dozens of times. We
13 don't give it a second thought. We trust,
14 as we must, the safety and the integrity
15 of those lines.

16 We will show you that West Penn Power
17 failed to use the highest degree of care.

18 Now, as I said, the line separated at
19 its connection with its automatic splice
20 at that pole by the street, right up here.

21 These splices, they function like
22 Chinese finger traps. You put the line in
23 and the splices will grab it. Here is a
24 drawing of what's called a Fargo GL
25 series, also called Hubbell who makes the

MR. SPECTER'S OPENING STATEMENT

1 splice. This is how it works.

2 You stick the -- this is called
3 conductor. That's the trade term.
4 Conductor means power line. You put the
5 conductor in the splice, and these jaws
6 grip the wire so it will stay.

7 You're going to see a video of how
8 these splices are installed. It was made
9 by the manufacturer. It will show you the
10 exact steps that need to be taken to
11 install one correctly.

12 Now, we will establish, I think to
13 your satisfaction, that a power line
14 shouldn't fall on a clear and sunny day.

15 It wouldn't ordinarily fall on a clear
16 and sunny day in the absence of the
17 telephone pole being hit by a truck or a
18 tree falling on top of it or some other
19 trauma like that. It wouldn't ordinarily
20 fall unless there was some problem in the
21 installation or the maintenance of the
22 line.

23 We're going to tell you what the
24 problem was. The line fell because the
25 West Penn Power linemen who hung this line

MR. SPECTER'S OPENING STATEMENT

1 in 2004, just five years before this
2 tragic incident, they failed to properly
3 clean the wire with a wire brush before
4 installing it into the splice.

5 The manufacturer of the splice,
6 Hubbell, has specific installation
7 instructions on the back, on this back
8 right here. On this back. These
9 instructions say, "Be sure the conductor
10 is clean (wire brush). " Very specific.
11 In case a lineman were to forget when he
12 takes the splice out of the bag and the
13 instructions are right there for him to
14 see, "Use a wire brush."

15 West Penn Power has a specific
16 standard in their book for their linemen,
17 the book that in 2004 was on the
18 instructions with the linemen to tell them
19 what to do that says, the wire has to be
20 cleaned with a wire brush.

21 It even tells you that if you don't do
22 it, you could have a failure, the line can
23 fall. That's what a failure is.

24 When a power line, a live 7200 volt
25 power line falls, that can kill.

MR. SPECTER'S OPENING STATEMENT

1 Now, brushing with a wire brush is
2 very important. Just as this says, you
3 must use a wire brush to clean through the
4 oxides. An unclean conductor will set up
5 overheating and eventual failure of the
6 splice.

7 Everything that West Penn Power told
8 their men in their Bible on their truck is
9 correct on this subject.

10 If you don't clean with the wire
11 brush, it will set up overheating and
12 eventually, the line will fall. That's
13 called a burn-down. It just literally
14 burns down.

15 That's exactly what happened here.
16 The line broke after it heated up, and the
17 steel core could no longer support the
18 load of the line, and this is the tip of
19 the splice. Do you see that red tip right
20 here?

21 There's the tip of the splice, and
22 that's where the line was inside. That's
23 where it burned down and fell because it
24 wasn't cleaned properly five years earlier
25 when it was put up.

MR. SPECTER'S OPENING STATEMENT

1 After this incident, we got, along
2 with West Penn Power, the parts that had
3 come down, the various pieces of the power
4 line and the splice and everything else
5 that went along with it. It was evident
6 that that power line had not been cleaned
7 with a wire brush.

8 Now, Chris Havlik, could you please
9 stand up? Thank you, sir.

10 This is Mr. Christopher Havlik. He
11 works for the Hubbell Company in, I
12 believe, Alabama. They're the
13 manufacturers of this splice.

14 He was the man who when West Penn
15 Power had some issue with a splice failing
16 or a burn-down or what happened that we
17 had a failure of a power line, they would
18 call Mr. Havlik, and they would ask him,
19 "Would you please take a look at what
20 happened and tell us why we had this
21 incident?"

22 West Penn is and has been a customer
23 of Hubbell's, as you all understand, for a
24 long time. They relied upon Hubbell to
25 tell them what would go wrong with a part

MR. SPECTER'S OPENING STATEMENT

1 or around a part that Hubbell would
2 provide.

3 Mr. Havlik came here, came here twice,
4 went to the scene, looked at all of the
5 fallen parts, looked at all of the wire,
6 looked at what the linemen had to say when
7 they sat and testified under oath in
8 what's called a deposition to explain what
9 happened.

10 He concluded that the reason the line
11 fell was because it hadn't been brushed
12 with a wire brush when it was put up in
13 2004.

14 Now, wire-brushing is very, very
15 simple. It just involves taking a wire
16 brush, there are lots of them. This is an
17 example of one, and closing it and running
18 along the conductor and cleaning it before
19 you put it up so that it looks nice and
20 shiny and new.

21 Now, what did the linemen have to say
22 from West Penn Power? You're going to
23 hear from them in this case. But we have
24 taken their depositions, so, we think we
25 know what they're going to say to you

MR. SPECTER'S OPENING STATEMENT

1 because this is what they said to us.

2 There were two men who went out and
3 put up this line on June 23, 2004. Not
4 quite five years before this incident
5 occurred.

6 T. C. Jones was one of the linemen.
7 Now, they don't remember which one did
8 which part of the line five years earlier.

9 But he will tell you, as he told us,
10 that, no, he didn't always use a wire
11 brush to put up a power line.

12 He'll say, Okay, that's what the
13 standards say, but you have to understand
14 that's not how I was trained. I was
15 trained by my trainers at West Penn that
16 it was okay not to use a wire brush.

17 I was told, he will say that you can
18 use another tool. You can use the back of
19 a knife to clean a power line. Putting
20 aside what it said in their standards
21 book, putting aside what it said on the
22 package for the splice, he'll say I was
23 told you could use the back of a knife.

24 Jeffrey Falo, the other lineman who
25 installed the line, he'll say, I was

MR. SPECTER'S OPENING STATEMENT

1 trained to use a wire brush. That's how I
2 was trained, and I always did. But the
3 man who he identified as his trainer says,
4 No, I didn't tell my men they had to use a
5 wire brush. I said, You could use other
6 tools, but we will tell you that West Penn
7 is right in their standards, you have to
8 use a wire brush. We will tell you that
9 Hubbell was right in their standards, you
10 have to use a wire brush.

11 Mr. Havlik, the manufacturer of the
12 product, will tell you you got to use a
13 wire brush. Because just as you shouldn't
14 use a knife to clean your teeth, but
15 rather you should use a brush to clean
16 your teeth, you shouldn't use a knife to
17 clean a power line, you should use a
18 brush.

19 Now, as you might expect, West Penn
20 Power has a standards department
21 responsible for this splice and this power
22 line.

23 The person in charge of the splice at
24 West Penn is a Miss Jill D'Angelo.

25 Miss D'Angelo knew before June 2,

MR. SPECTER'S OPENING STATEMENT

1 2009, before this incident occurred, that
2 linemen were not cleaning the wires with a
3 wire brush.

4 Let me give you an example of what I'm
5 talking about. Here is a -- an e-mail
6 exchange between she and her boss, Haven
7 Bearley.

8 Mr. Bearley was the manager of the
9 department, the manager in standards at
10 West Penn Power. And they had had an
11 incident in April of 2004. They had a
12 line come down.

13 Who do they turn to to tell them why?
14 They turn to Mr. Havlik to tell them why
15 it came down.

16 Mr. Havlik told them this, you will
17 see the documents, "It came down because
18 your linemen poorly prepared the power
19 line. That's why it came down."

20 He told them that, and Mr. Bearley,
21 the manager, said, "Good explanation from
22 Chris Havlik on the article in
23 Transmission and Distribution. That's
24 T&D.

25 If I recall correctly, Bearley says to

MR. SPECTER'S OPENING STATEMENT

1 D'Angelo, the majority of our automatic
2 splice failures -- and this is an
3 automatic splice, just so we're clear --
4 had been attributed to poor conductor
5 preparation.

6 That means we're not cleaning the wire
7 and improper splice installation, that
8 means we're not putting the splice into
9 the -- we're not putting the wire into the
10 splice correctly.

11 He asks, and we requested video from
12 manufacturers on conductor preparation and
13 automatic splice installation that we
14 could use at the training school.

15 What you're going to learn is these
16 men, they weren't brought in and told,
17 We're having a problem here. The linemen
18 weren't told, We're having a problem at
19 West Penn Power. We're having -- we're
20 having high voltage power lines falling.
21 Live power lines falling because you
22 fellows aren't cleaning the lines
23 correctly. They didn't do that.

24 Let me just remind you the date of
25 this exchange. April 29, 2004. That line

MR. SPECTER'S OPENING STATEMENT

1 was put up in the Goretzka's yard on June
2 23, 2004. It was put up seven-to-eight
3 weeks later, right in the wake of the
4 managers in the Department of Standards of
5 West Penn Power knowing they had a problem
6 with the proper installation of their
7 power lines.

8 Now, you might be wondering, well, is
9 there somebody at West Penn Power that
10 goes around to check on the integrity of
11 these splices and these connections? Do
12 they just put them up there and leave them
13 up there indefinitely?

14 Here is the answer. Yes. That's the
15 answer.

16 You might be wondering, well, that
17 Goretzka house, that looks like it was
18 built before 2004. Was there a power line
19 there before 2004 that services their
20 house? Did that line come down in 2004?
21 And, yes, it did. It came down five years
22 earlier. It came down in the backyard of
23 their house back where Carrie and JoAnn
24 saw it on fire in 2009.

25 It came back -- it fell down five

MR. SPECTER'S OPENING STATEMENT

1 years earlier in their backyard.

2 That's what happened when it came down
3 five years earlier. It came down, and it
4 was live. It made a heck of a burn in the
5 ground, as you can see.

6 Here is 9 -- if you look at the big
7 screen, here is the fire that was created
8 by the power line when it came down in
9 June of 2004 in their backyard. Here is
10 their backyard pool.

11 Those are the tall pine trees in the
12 back that caught on fire five years later
13 when the line came down again.

14 Now, why did that line fall in 2004?

15 West Penn Power failed to determine
16 why the line fell in 2004. They also
17 failed to determine why after it fell it
18 was permitted to burn like this live on
19 the ground for all this time.

20 Why didn't it trip a fuse? Why didn't
21 it shut off?

22 These are serious failures in 2004.

23 Now, a fuse is a device that turns off
24 the power if the power -- if the fault
25 current on the line gets too high.

MR. SPECTER'S OPENING STATEMENT

1 What is fault current?

2 Fault current is a load on the line, a
3 power load on the line higher than what's
4 expected on the line.

5 The word fault is used because the
6 current is too high. So, a tree branch or
7 a squirrel coming into contact with a line
8 -- for instance, it can cause a fault
9 current, because it draws excess power.

10 In 2004, the line fell. It did a lot
11 of damage to Mike Goretzka's house, or not
12 his house, his yard.

13 Mike Goretzka raised a concern with
14 the power company about that. They wrote
15 him a letter.

16 They said to him in the letter, "Your
17 claim for damage to your yard caused by a
18 line coming down has been referred to this
19 office for investigation. I apologize for
20 delay in responding."

21 This is July 15, 2004.

22 "On July 12, 2004, one of our contract
23 foresters went to your residence to
24 investigate this incident. He has
25 informed me that he could not find why the

MR. SPECTER'S OPENING STATEMENT

1 line came down."

2 So, they sent a tree guy out to see
3 was it a tree that brought it down.
4 Apparently not.

5 So, West Penn Power, they didn't know
6 why that line came down in 2004. It
7 wasn't a tree, apparently.

8 Reading on, "He stated that the Laurel
9 Silver Maple is starting to grow close to
10 the line, but the phase that burned down
11 is the outside phase."

12 In other words, there's a couple of
13 power lines there, the tall tree, Silver
14 Maple, it wasn't growing close to the line
15 that came down. So, it wasn't the maple.
16 But they don't know why it fell.

17 I discussed this incident with our
18 engineer, and he has explained that the
19 reason the line did not de-energize was
20 due to the fact that there wasn't enough
21 fault current to trip the fuse.

22 There wasn't enough fault current to
23 trip the fuse.

24 West Penn didn't send out a planning
25 engineer to check if a different lower

MR. SPECTER'S OPENING STATEMENT

1 fuse should be used. They didn't change
2 the system so that this wouldn't happen
3 again.

4 What happened in 2004 was the line
5 fell. They didn't know why it fell. It
6 fell, and it was live. It didn't kill
7 anybody in 2004. Why? Because they were
8 lucky.

9 They didn't figure out why it fell,
10 and they didn't fix the problem that
11 caused it to remain live after it had
12 fallen.

13 If they fixed the problem in 2004 such
14 that when the line fell, it would
15 de-energize, then in 2009 when the line
16 fell, it would have de-energized, and it
17 would not have electrocuted Carrie
18 Goretzka.

19 But they didn't do that. So, her
20 death ended up being caused by their
21 failure to do what they should have done
22 to investigate the cause and the solution
23 to the line falling in 2004, and it was
24 burning hot when it fell.

25 Her death was caused because when they

MR. SPECTER'S OPENING STATEMENT

1 put the line back up in 2004, they didn't
2 clean the wire when they put it back --
3 when they put it into a splice.

4 So, over time, it began to burn hot,
5 and then it burned down in 2009, and again
6 when it came down, it was live. It hit
7 the telephone wires, it was live. It hit
8 the trees, it was live. It hit Carrie, it
9 was live. It hit the ground, it was live.
10 And it killed her.

11 West Penn Power's conduct destroyed
12 Carrie Goretzka's storybook romance.

13 Carrie and Mike were high school
14 sweethearts. When he was 17-years-old, he
15 had hernia surgery, and he wasn't allowed
16 to drive to school. He figured this was a
17 very good thing, because he figured he
18 could ask this young woman named Carrie to
19 give him a ride to school.

20 He knew exactly what he was doing when
21 he did that. Their courtship began, and
22 on May 4, 1996, this couple got married.

23 In 2004, they were blessed with their
24 first little girl Chloe, now a second
25 grader at Queen of Angels School in West

MR. SPECTER'S OPENING STATEMENT

1 Hempfield.

2 Two years later, they had their second
3 little girl, Carlie. She's now in
4 kindergarten at Queen of Angels School.

5 Before starting their family, Carrie
6 worked in billing. She rose to the level
7 of regional billing director for
8 Southwestern Pennsylvania.

9 She stopped working at about the time
10 she had Carlie. She planned to return to
11 work once Carlie started grade school.

12 Mike Goretzka's schedule is just as
13 impressive.

14 Mike is now the senior vice president
15 for Family Home Health Services and Three
16 Rivers Hospice. He has worked for that
17 company for 23 years.

18 But Mike didn't start off in
19 management. He started off sweeping the
20 floors like his father before him at that
21 company. He's worked there 23 years.
22 He's worked hard. He's earned his degree,
23 and he's worked his way up to now help run
24 the company, which provides home health
25 care and hospice services.

MR. SPECTER'S OPENING STATEMENT

1 You're going to learn a lot about the
2 Goretzka family. You're going to learn
3 that they are one close-knit family.

4 They're doing everything they can to
5 give those beautiful little girls a proper
6 upbringing.

7 But it is hard for a dad, even this
8 dad, it's hard for this dad to do what
9 their mother could only do.

10 As you might expect, the trauma of
11 Carrie's passing has had a profound impact
12 on Chloe and on Carlie.

13 They have severe problems with
14 attachment. They're very worried that
15 their dad will be taken from them as was
16 their mother.

17 Mike sleeps on the floor every night
18 with them in the same room, and he has
19 everyday since their mother passed away.

20 If he tries to get up in the middle of
21 the night and go to sleep in his own room
22 or another room, they sense that, and they
23 make him stay.

24 Their wounds from this kind of an
25 experience are obviously more than

MR. SPECTER'S OPENING STATEMENT

1 physical. There are emotional wounds as
2 well.

3 Mike suffers from severe depression,
4 and post-traumatic stress disorder.

5 These girls, two and four years old
6 when this happened, and JoAnn Goretzka
7 cannot and will not forget what they
8 witnessed.

9 I regret that we need to talk about
10 this, but we need to talk about this.

11 They saw Carrie being shocked before
12 they were whisked away to a neighbor's
13 house.

14 Thankfully, they did not have to
15 observe what Carrie endured for most of
16 the next 45 minutes.

17 If you can look up at the big screen,
18 here's where live wire was in the ground
19 laying on the ground, kind of like when I
20 showed you that picture before of what it
21 looked like in 2004 when that line hit the
22 ground.

23 The wire became -- when it came down
24 onto Carrie, it became entangled all over
25 her body.

MR. SPECTER'S OPENING STATEMENT

1 This is the impression of her body
2 laying in the ground. You can see that
3 the ground was burned from her body which
4 itself was burned.

5 You're going to hear from the
6 witnesses. I regret that that's going to
7 be a painful experience for all of us, but
8 they will tell you that the energized line
9 became entangled all over her body.

10 Regrettably, that line remained
11 energized, and it continuously shocked
12 Carrie for about 20 minutes, with multiple
13 wounds on her body of entry of electric
14 shock and exit of electric shock.

15 They'll tell you, the witnesses, that
16 Carrie, regrettably, was conscious. And
17 she lay on the ground moaning in pain.

18 And they'll tell you that they had to
19 stand there, the witnesses, the neighbors,
20 helplessly because the volunteer
21 firefighters kept everyone back because
22 the line was hot. Because they didn't
23 have the proper implements to get the live
24 line off of her.

25 The volunteer firefighters didn't want

MR. SPECTER'S OPENING STATEMENT

1 the same thing to happen to anyone else
2 that was happening to Carrie, and that had
3 happened to JoAnn when JoAnn went to
4 rescue her and was thrown to the ground,
5 and herself was burned.

6 Tim Harper, that volunteer
7 firefighter, when he came to the scene, he
8 quickly got a fire extinguisher. He
9 sprayed the phone lines to put the fire
10 out on the phone lines.

11 He saw that Carrie was on fire.
12 Regrettably, so did the children.

13 He put out the fire on Carrie with a
14 fire extinguisher. But they couldn't stop
15 the electric current until finally a man
16 from West Penn Power came and use what
17 they call a hot stick. It's this thing
18 here. They dragged the line off of her,
19 and shut off the power.

20 But then it was another 25 minutes
21 that she was conscious before the first
22 responders, the EMTs were able to render
23 her unconscious in the process of getting
24 a tube down her throat intubating her.

25 You'll hear from the burn surgeon from

MR. SPECTER'S OPENING STATEMENT

1 UPMC, the fellow who used to run the burn
2 center at UPMC Mercy.

3 He has treated hundreds of high
4 voltage electrical burns. He will tell
5 you what you probably already know, which
6 is that these kinds of burns, it's about
7 the worst thing that can happen to a
8 person.

9 Now, what are they going to say? What
10 is West Penn Power going to say?

11 They are going to blame Carrie
12 Goretzka.

13 Now, please note that when they make
14 this argument, they have the burden of
15 proof. They're arguing that she was,
16 what's called, contributorily negligent,
17 and that's their burden to prove that to
18 your satisfaction, that she was at fault,
19 and she caused her own gruesome death.

20 They're going to highlight that this
21 was an unwitnessed incident, and it was.
22 No one saw the line come down onto Carrie.

23 They may say -- in fact, they have
24 already told you this, they told it to you
25 in that voir dire statement, that she

MR. SPECTER'S OPENING STATEMENT

1 walked into the power line. They are
2 wrong.

3 The evidence is that the power line
4 hung up on the phone lines up high here,
5 18 feet high, when it first came down.

6 Then it toppled down onto Carrie.
7 They, apparently, are going to say that
8 what happened was, yeah, it came down
9 about 18 feet high, and it lodged in this
10 tree here, and there's a burn mark in the
11 tree, and yes, there is. We agree with
12 that. It came down onto the power lines
13 into the tree at pretty much the same
14 height. Not a coincidence.

15 But they're going to say, No, it
16 didn't come down to the phone lines.

17 Apparently they're going to say that.
18 I don't know. He doesn't share with me
19 his opening speech before he gives it.

20 But that's apparently, from looking at
21 their expert reports, what they're going
22 to say.

23 They're going to say, No, it didn't
24 come down into the telephone lines. It
25 came down also into this small tree here.

MR. SPECTER'S OPENING STATEMENT

1 So, it was draped between this tree
2 and this tree, and it made a burn mark in
3 this tree. That's how we know it came
4 down into that tree. And it was flaming.
5 This tree was flaming they're going to
6 say, and this tree was flaming. And she
7 walked over in between these two flaming
8 trees, and she touched her left hand to
9 the power line.

10 You're going to have to decide whether
11 you believe that. Or whether you believe
12 what we're going to tell you, which is it
13 came down into that tree, the big tree on
14 the side, came down into the phone lines,
15 then it toppled down onto Carrie, and in
16 the process, it toppled down into right
17 next to her, right next to her, it came
18 down into this small tree and made a burn
19 mark, and eventually toppled on down to
20 the ground.

21 There will be no evidence that Carrie
22 Goretzka saw this power line draped
23 between these allegedly two flaming trees
24 and that she voluntarily walked over there
25 and touched a power line with her left

MR. SPECTER'S OPENING STATEMENT

1 hand.

2 They may say that, Well, there's
3 probably an entry wound on her left hand.
4 That may be. Why? Lots of reasons.

5 No. 1, she could have seen the line
6 coming down and put her hand up, had the
7 line struck her left arm.

8 You're going to learn she,
9 regrettably, had a staggeringly horrific
10 injury to her left forearm. Horrific. It
11 burned through to the bone. Nothing left
12 but the bone.

13 So, when that line came down, she may
14 have put her hand up, and a piece of line
15 may have struck her left hand. Or the
16 line is wrapped around her -- you will
17 hear about that from the witnesses -- on
18 the ground for 20 minutes, and some piece
19 of that power line may have come into
20 contact or even near her left hand.

21 Because, of course, you don't actually
22 have to get to touch the line to get
23 electric shock from 7200 volts. She got
24 an electric shock from ten, twelve feet
25 away, just on the edge of the driveway and

MR. SPECTER'S OPENING STATEMENT

1 the side yard.

2 They may say that she should have
3 stayed in her house. Your wife should
4 have stayed in her house, they're going to
5 say, Mr. Goretzka.

6 We're going to ask you to consider the
7 evidence that we're going to bring to you,
8 which is actually pretty simple and
9 straightforward.

10 The power went out. She's in charge.
11 She's in charge of her land, of her house,
12 of her two small children who are upset,
13 of her mother-in-law, of herself.

14 She's got a duty to her neighbors.
15 Maybe not a legal duty, but a duty as a
16 neighbor. The trees in the backyard,
17 they're on fire. This had happened
18 before.

19 She calls 911. You will have to
20 determine whether it was reasonable for
21 Carrie Goretzka to try to call 911. And
22 she couldn't because the power was out.

23 So, she went to get her cell phone.
24 It doesn't operate inside the house. The
25 reception is best in the side yard.

MR. SPECTER'S OPENING STATEMENT

1 That's where she went to make those calls,
2 and it's undisputed that she made three
3 attempts to call 911, and then she was
4 electrocuted.

5 You going to have to decide whether
6 you as the members of this community,
7 judging the facts, and what a person ought
8 to do that's reasonable, whether it was
9 manifestly unreasonable for her to do what
10 she did, to try to summon emergency help
11 for what was a true, sudden emergency, not
12 of her making.

13 West Penn Power will not meet their
14 burden of proof to show that Carrie
15 Goretzka caused her own horrific death.

16 Now, if you determine at the end of
17 this case that West Penn Power failed to
18 use the highest degree of care, which is
19 what the law requires them to do, just so
20 we're clear, the highest degree of care,
21 highest, not reasonable, highest, and if
22 you find that that caused Carrie's death
23 we, His Honor, are going to ask you to
24 determine what damages should be awarded
25 to compensate the Goretzka family for what

MR. SPECTER'S OPENING STATEMENT

1 they have endured, what they are currently
2 enduring, and what they will endure.

3 Now, the law provides that you are to
4 award the family damages in several
5 specific categories. I want to go through
6 those with you.

7 I want to go through those with you.
8 First of all, let me say this to you, I'm
9 not going to -- you heard a lot of this
10 discussion in voir dire.

11 We are not going to -- I should say
12 voir dire was that jury selection process.

13 We're not going to come and say to
14 you, "You should award us X amount of
15 money." We're not going to ask you for a
16 specific amount of money. You are to
17 decide what you believe is fair and
18 reasonable.

19 His Honor will tell you that at the
20 end of the case.

21 That is really your only guide, what
22 you believe is fair and reasonable.

23 These things, most of them,
24 regrettably, they're not susceptible to
25 mathematical calculation or precise

MR. SPECTER'S OPENING STATEMENT

1 certainty.

2 You as the voice of the community are
3 going to have to decide what you believe
4 is fair and reasonable.

5 That's all I'm going to ask you to do;
6 just to be fair, and just to be
7 reasonable.

8 Now, what are those categories? First
9 of all, there is Carrie Goretzka's pain
10 and her suffering and her disfigurement.
11 It's her pain and suffering for the 20
12 minutes of being continuously shocked and
13 the pain for about 25 minutes thereafter
14 before she was intubated when she was
15 conscious, and her disfigurement that she
16 experienced during that time.

17 It is the economic loss. And this
18 actually is capable of being quantified,
19 arising from her passing.

20 I told you about Carrie's career. She
21 was headed back to work. She had a
22 salary. She would have had an expectation
23 of receiving a salary like that, perhaps
24 better, perhaps worse.

25 You'll have to decide what she would

MR. SPECTER'S OPENING STATEMENT

1 have likely made, how long she would have
2 likely worked, what her fringe benefits
3 would have been, and what is the economic
4 value of the loss of her household
5 services around the house.

6 From that, you will deduct something
7 called personal maintenance. Personal
8 maintenance is not what a person spends on
9 themselves, just so we're clear.

10 Personal maintenance is defined under
11 the law, and His Honor will tell you about
12 this at the end of the case, is the
13 minimal amount required for subsistence.
14 That is personal maintenance.

15 So you will look at what she would
16 have earned, what are her fringe benefits,
17 what is the loss of her household
18 services, and you will deduct from that
19 what you find to be the amount that she
20 would have spent on minimal subsistence
21 for herself had she lived.

22 There will be her medical bills for
23 the three days that she was in the
24 hospital.

25 Then there will be the claims on

MR. SPECTER'S OPENING STATEMENT

1 behalf of these children. Chloe and
2 Carlie. They have separate claims that
3 you must consider, members of the jury.

4 First is their emotional distress
5 through having witnessed what happened to
6 their mother.

7 That's a specific, recognized claim in
8 Pennsylvania where a close family member
9 witnesses an injury to someone else in
10 their family.

11 Then, of course, there are the damages
12 for each of them arising from not having a
13 mother. I don't need to spend anymore
14 time with you on that today.

15 Then there is JoAnn Goretzka, and what
16 is fair to award to her. She has two
17 separate claims.

18 She has the burns to her hands caused
19 by the downed power line when she went to
20 rescue her daughter-in-law, and there is
21 her emotional distress from having
22 witnessed what happened to Carrie.

23 Then there is what's fair for Mike
24 Goretzka. What's fair to award to him
25 for -- and they call this in the law, they

MR. SPECTER'S OPENING STATEMENT

1 have this concept of loss of marital
2 consortium they call it.

3 You know, the comfort, the aid, the
4 companionship, the closeness, all the
5 things that go into a marital
6 relationship.

7 What is the fair compensation to him
8 for the loss of those things?

9 Now, I'm sure that when you have
10 listened to what I've had to say here for
11 this past hour and ten minutes, and I beg
12 your pardon for being so lengthy, I'm sure
13 that you have felt sympathy for the
14 Goretzka family.

15 You may even feel sympathy for some
16 aspect of West Penn Power, or you might
17 during the course of the trial in the
18 course of our questioning of some of the
19 witnesses for West Penn Power feel some
20 degree of sympathy.

21 But please understand that, No. 1,
22 respectfully, Mike Goretzka is not here
23 for your sympathy. And neither is his
24 mother.

25 Sympathy should play no part in your

MR. SPECTER'S OPENING STATEMENT

1 deliberations on this case. I know His
2 Honor will tell you that.

3 What His Honor will tell you and what
4 we feel strongly you should do is decide
5 the facts, decide whether Carrie's death
6 was needless, whether it was caused by
7 West Penn Power's failure to exercise the
8 highest degree of care practicable.

9 And then to carefully and respectfully
10 consider each of the elements of damages
11 and come to a consensus among you as to
12 what the right financial compensation is.

13 We are not permitted to seek anything
14 other than that. We're not allowed to
15 come here and seek some sort of other kind
16 of remedy. We can't turn back the clock,
17 and we can't give this woman life again.
18 Oh, but could we? But we can't.

19 So, what the law says is that we have
20 to try to fix the next best thing, and
21 that's to see what is an amount of money
22 that roughly compares to what the loss has
23 been. To try to use financial
24 compensation to make the people who have
25 been injured whole.

MR. SPECTER'S OPENING STATEMENT

1 I'm sure when you hear that from me,
2 you recognize that that is highly
3 imperfect, but that's the best that we can
4 do, and that's what the law will require
5 you to do.

6 I know you have taken an oath to try
7 this case well and true, as Ray
8 administered it to you not two hours ago.
9 That's what we're going to ask you to do.

10 I also know that when I sit down,
11 Mr. Levicoff, who is a highly skilled
12 attorney, as you would expect, is going to
13 stand up and he's going to tell you all of
14 the things that he's going to say that I
15 said that were wrong or if not wrong, were
16 incomplete. Or some other adjective.

17 I don't, unfortunately, have the right
18 to stand up and say, No, what I said was
19 correct, and what he's saying is wrong.

20 I'm not allowed to do that. Not until
21 I speak to you in my closing speech when I
22 talk to you about what the evidence has
23 proven.

24 But I ask you when you're listening to
25 what he tells you and when he's giving you

MR. SPECTER'S OPENING STATEMENT

1 what he wants you to believe their version
2 of the facts, I ask you to keep in mind
3 what I have told you, and then I ask you
4 to listen carefully to the evidence,
5 because we're going to bring you this
6 mountain of evidence.

7 We're going to bring you Mr. Havlik as
8 the first witness to tell you why this
9 line came down.

10 We're going to bring you the
11 neighbors. Not all of them. We're going
12 to bring you neighbors.

13 We're going to bring you first
14 responders. We're going to bring you the
15 appropriate experts in the various areas.

16 You're going to hear from a lineman
17 from West Penn Power and the supervisors.
18 You are going to hear from Miss D'Angelo,
19 who knew two months before this line came
20 down in 2004, why their lines were coming
21 down.

22 We're going to bring every one of them
23 into the courtroom, and we're going to
24 give them a chance to tell you what their
25 side of the story is.

MR. SPECTER'S OPENING STATEMENT

1 Then you're going to have to decide
2 who was right and who was wrong. Thank
3 you very much for your attention.

4 THE COURT: Okay. Now, Mr. Levicoff
5 has previously asked me -- would you like
6 ten minutes to set up?

7 MR. LEVICOFF: Ten minutes, Your
8 Honor.

9 THE COURT: So, we're going to break
10 for ten minutes while Mr. Levicoff gets
11 his display set up. Okay? Thank you.
12 Remove the juror.

13 Wait a minute. Nobody move.

14 (Jurors exit courtroom.)

15 THE COURT: Whoever is coughing, I
16 can't tell who it is, I would like you to
17 get some water in you, get your throat
18 lozenges, something of that nature.

19 If you cannot overcome your cough,
20 please don't return to the courtroom. I'm
21 not trying to be mean, but these lawyers
22 have a lot invested in this case. It's a
23 big case. They're trying to get their
24 points across. We don't want the jury
25 distracted from any point they may make.