

## In The News

# Trial begins in wrongful death lawsuit of man crushed by hydraulic lift

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*Waco Tribune-Herald*

Testimony started Monday in the trial of a wrongful death lawsuit filed by the family of a Waco man crushed to death by a 25,000-pound hydraulic aerial lift in 2015.

The family of Terry Leon Lakey is seeking as-yet-unspecified damages from the company Lakey worked for, Genie Industries, a subsidiary of Terex Utilities, Inc.

Terex was named as a defendant in the original lawsuit filed in September 2016 but has since reached a confidential, out-of-court settlement with the Lakey family, which includes Lakey's wife, parents and three children.

Waco attorneys Zollie Steakley and Gina Long, who represent the family of the 51-year-old industrial worker, and Houston attorney Clifford Harrison, who represents Genie, selected a jury of eight women and four men Monday. They gave 45-minute opening statements outlining their respective cases.

Lakey suffered massive head, neck and internal injuries when the boom of a 125-foot aerial lift collapsed on him while he was making repairs to it.

A year later, Genie closed its Waco plant at 7911 Panther Way, relocating to Oklahoma City and eliminating 56 jobs. The company repairs and refurbishes aerial work platforms.

"This is a case about easy fixes to save lives," Steakley told the jury. "There are certain rules manufacturers must follow when manufacturing products to make them safe."

Genie failed in its responsibility to make their products as safe as possible, to eliminate possible dangers, to neutralize hazards, to warn the public once hazards are detected and to take responsibility when their actions result in someone's injury or death, Steakley said.

Steakley charged that Genie changed the original design of a cylinder in the S-125 stick broom lift that Lakey was working on as the company rushed to get it ready on time for the customer to pick up. The change in design was flawed, and that contributed to the boom falling unexpectedly and crushing Lakey, he said.

Steakley also told the jury that there were several "easy fixes" the company could have done to prevent the incident.

Harrison started his remarks by telling the jury how difficult it was to say what he was about to say, especially in front of Lakey's family. However, he said Lakey was responsible for his own death because he knew the rules of safety but did not adhere to them.

"It wasn't the product and it wasn't the design changes," Harrison said. "It was Mr. Lakey's conduct around it. It is a simple case of safety rules. Mr. Lakey knew the rules and chose to ignore the rules. That's really what this case is about."

The cylinder was not the problem, Harrison said.

"This product is installed hundreds of times on hundreds of pieces of equipment all around the world every day," Harrison said. "The job could have been done perfectly safely. There was a safe way to do this job and Mr. Lakey understood there was a safe way to do this job and he chose not to do that."

Harrison said Lakey and all employees were trained not to get under a boom without using a boom stand or crane to support it, adding that employees there that day will testify about their training. An employee who performed the job Lakey was attempting to do a few weeks before told Harrison that not using a boom stand is like "pointing a gun at yourself."

Lakey tried to find a boom stand before starting the work, Harrison said, adding that he could not find one and proceeded with the job anyway.

"It's not Genie's fault," Harrison said. "I'm sorry that it happened. I'm sorry we are here. I'm sorry for this family's loss and that they are here. But it's not Genie's fault."

The trial is expected to last at least through Thursday.

The full article can also be viewed by clicking [here](#).

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