

Man Given \$10 Million In Bell Suit Judge Eliminates Punitive Award

By BRADLEY WORRELL
BELTON — A state district judge here Wednesday awarded a Temple man severely burned in an April 1988 gas explosion nearly \$10 million in damages, but struck down another \$10 million in punitive damages a jury awarded in the case five months ago.

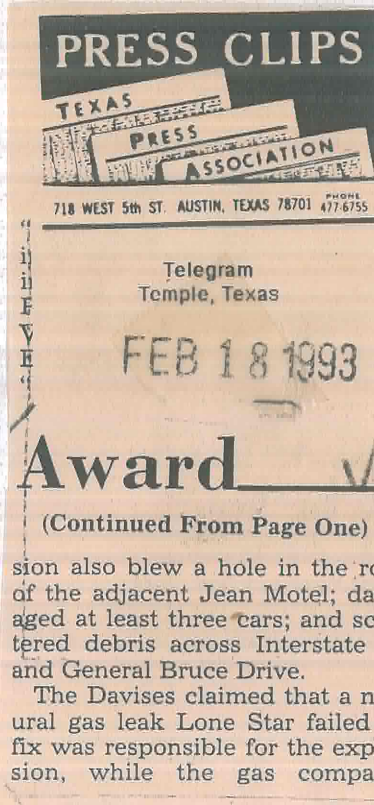
The decision by 169th District Judge Stan Pemberton to award \$9,762,250 to Johnnie Lee Davis and his wife, Sherry, represents a final judgment in the case the Davises filed against Lone Star Gas Co.

Repeated attempts to contact the Davises for comment at their Temple home were unsuccessful Wednesday, as were attempts to contact Vic Feazell, the couple's Austin attorney.

Attempts to contact Temple attorney Bob Burleson, one of four attorneys who represented Lone Star Gas, were similarly unsuccessful.

Davis lost both of his hands and suffered burns over 20 percent of his body when his business, Mister D's Quick Stop, exploded in a ball of flame during the early morning hours of April 17, 1988. The blast leveled the convenience store at 2410 S. General Bruce Drive.

Authorities reported the explo-



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sion also blew a hole in the roof of the adjacent Jean Motel; damaged at least three cars; and scattered debris across Interstate 35 and General Bruce Drive.

The Davises claimed that a natural gas leak Lone Star failed to fix was responsible for the explosion, while the gas company

maintained arson was responsible for the fiery destruction of the store.

Following an array of exhibits and three weeks of testimony from often conflicting expert witnesses, a 169th District Court jury in October awarded \$21.8 million to the Davises after finding Lone Star Gas responsible for the blast.

Feazell said after the verdict

that he and co-counsel Gary Richardson, of Tulsa, Okla., initially sought \$43 million in damages, but that Lone Star Gas offered no settlement.

The \$21.8 million verdict was believed to be the largest ever awarded in Bell County. It included \$10 million in exemplary damages with the remainder of the award to cover the loss of Davis' business, lost earning capacity and wages, pain and suffering and medical bills.

Burleson and the other attorneys representing Lone Star Gas subsequently filed a motion with Pemberton to set aside the jury's verdict.

Pemberton said Wednesday that it would be improper for him

to comment on the case, but said in a written ruling that he was granting the defense attorneys' motion to eliminate the exemplary damages.

Pemberton also eliminated \$170,000 the jury awarded to the couple for medical bills, saying the amount was covered under general damages granted by the panel. Of the remaining \$11,815,000 in actual damages the jury awarded to the Davises, Pemberton reduced the amount by 15 percent.

The decision to reduce actual damages reflected the jury's stated belief that Davis was 15 percent responsible for the explosion, while Lone Star Gas was culpable for the remaining 85 percent, Pemberton indicated.