

Jury awards \$3M in '74 gas tank blast

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A careless attitude in the disposal of an old gasoline tank cost one man his life and another man the use of all four limbs in 1974. Yesterday it cost Standard Oil Company of Ohio more than \$3 million.

That \$3.03 million jury award in U.S. District Court is believed to be the second largest in the history of Massachusetts (second only to a \$4.5 million medical malpractice verdict in Norfolk Superior Court several years ago).

Sohio (and its subsidiary, B.P. Oil Corporation) had disposed of a 1,000-gallon gasoline tank at a closed Brockton gasoline station in 1971.

The tank ended up at a Wareham construction company, DiMarzio Construction, where in 1974 it exploded when touched by the flame an acetylene torch.

The torch ignited gasoline fumes that had filled the tank since it was dug out of the ground. The resulting explosion killed 25-year-old Joseph DiMarzio, son of the construction firm's owner, and left Ted LaJeunesse, 61, of Wareham a quadriplegic in the Brockton Veterans Administration Hospital.

The families and attorneys for the victims had no reason to expect the verdict that the six-member jury handed to U.S. district Judge Walter Jay Skinner after two weeks of trial and three hours of deliberations.

Shocked but ecstatic, they heard a \$536,000 award to Joseph DiMarzio's widow, Jane DiMarzio.

They heard Marion LaJeunesse, wife of Ted, who was a World War II hero and was "moonlighting" from his job as a Wareham fire lieutenant, awarded \$600,000.

In addition, they heard LaJeunesse awarded \$1.9 million, even more than the \$1.6 million a medical expert had testified LaJeunesse would need live with proper medical care at home.

Attorneys Frederic Halstrom of Boston and Thomas F. Sullivan of Newton were as shocked as their clients at the size of the win.

Halstrom noted that one key was a deposition in which an oil company employee was quoted as saying, "We didn't care, we just wanted to get rid of it. (The tank).

Halstrom and Sullivan had maintained that the oil company knew the rusty old tank, one of four removed from the gas station, had to be properly vented to let fumes escape, and that the tank might be cut up by an acetylene torch.

The tank, which the DiMarzio Company bought from a junk dealer, was to be used to store water and to line ditches.

Halstrom noted that the National Fire Protection Association requires that junked fuel tanks be properly ventilated when they are removed from the ground.

Attorneys for Standard Oil are expected to appeal the verdict.