

Former TV cable installer wins suit

Accident cost him both arms

By KIM COBB
Houston Chronicle

A jury awarded a former Houston cable television installer \$5.4 million after an electrical accident that cost him both arms, but he plans to settle for less to avoid a lengthy, costly appeal.

David Kozich, 29, was laying cable for Gulf Coast Cable, also known as QUBE Cable, on March 20, 1982, when he stumbled into a Houston Lighting & Power Co. live wire hanging near the roof edge.

The metal cable covering he was carrying touched the wire, and the severe shock and burns resulted in his losing both arms below the elbow.

Kozich and his wife sought more than \$10 million from HL&P and Treetop Apartments, the northwest Houston complex where the accident occurred. But HL&P filed a counter-suit accusing the apartment builders of violating their easement by locating a balcony too close to the power lines.

State District Judge Ken Harrison ruled that HL&P is entitled to full indemnity from Treetop Apartments and that although the jury assessed the judgment against both parties,

Treetop must foot the entire bill.

However, if the parties settle on a smaller judgment out of court, as is predicted, HL&P could pay a part of that smaller settlement.

Richard Mithoff, attorney for Kozich and his wife, said Thursday they had already started working on a settlement when the jury announced its verdict Wednesday. Some unsettled legal issues, he said, could tie up the case — and the money — for years.

But his client is elated, Mithoff said, even at the prospect of collecting a smaller settlement.

Mithoff said Kozich was fitted for prosthetics and went back to work. He is now doing inspection work for an offshoot of the local cable company in Kansas City, Kan.

Attorneys for Treetop Apartments were not commenting, but HL&P attorney Stephen Tipps said Harrison's decision to place the financial burden on the apartment company is important.

The accident would not have occurred if the apartment balcony had not encroached on the HL&P easement by more than two feet, Tipps said. HL&P, he added, will probably settle out of court.



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David Kozich, with wife Deane, won a \$5.4 million judgment in a lawsuit over injuries that caused him to lose both of his arms.