

VERDICT: Defense, home waterline freeze/flood.

A 12-0 Big Timber jury found that Ranger Plumbing & Heating was not negligent in connection with a waterline freeze at Lawrence & Traci Burleson's home.

Burleson, a CPA, and his wife split their time between California and Montana. Ranger completed rough-in plumbing at their Montana home in 7/04. On 3/1/06 a water supply line freeze & flood were discovered by a neighbor. Burlesons alleged negligence by Ranger and general contractor Craig Whitlock. Whitlock settled for an undisclosed amount. Burlesons contended that the plumber should have consulted with Whitlock as to the complex truss structure between the 2nd and 3rd floors, and should have advised or required that blocking be installed to preclude outside cold air from the area where the pipe froze. Home Site Ins. paid \$86,254.66 for restoration service, \$232,888.18 for repairs, and \$69,211.28 for personal property. Burlesons went to trial against Ranger on claims of \$50,828 restoration service and \$227,100 repairs (actual bid), having dropped claims against Ranger for personal property. According to Burlesons' counsel, they also dropped loss of use; according to Ranger's counsel, loss of use was not dropped.

Ranger contended that it was not required to tell Whitlock to install blocking—that its duty was limited to proper placement of its water supply lines in what it considered was to be the conditioned space (heated envelope) of the house.

Plaintiffs' experts: architect Eric Simonsen, Billings; master plumber Jody Connard, Ballantine; master plumber George Peabody, Ryegate (not called).

Defendant's expert: master plumber Timothy Regan, Miles City.

Plaintiffs demanded \$275,000 10/1/07, which Defendant rejected. Plaintiffs demanded \$170,000 11/20/07; Defendant offered \$5,000. Plaintiffs demanded \$125,000 12/28/09; Defendant offered \$12,500. Plaintiffs demanded \$75,000 at the end of the 1st day of trial, which Defendant rejected. Jury request, \$50,828 restoration service, \$227,100 home repair; jury suggestion, 0. Michael Anderson, mediator.

Jury deliberated 15 minutes 3rd day.

Burleson v. Ranger Plumbing & Heating, Sweet Grass DV-06-23, 6/17/10.

Mark Carman (Carman Law Office), Billings, and Kenneth Tolliver (Tolliver Law Firm), Billings, for Burlesons; James Halverson & Thomas Mahlen (Halverson & Gilbert), Billings, for Ranger (FUMIC).
