

IN THE CIRCUIT COURT FOR THE
SECOND JUDICIAL CIRCUIT, IN AND
FOR LIBERTY COUNTY, FLORIDA

CASE NO.:

PAYTON WARD, as Personal Representative
of the Estate of **COREY MICHAEL CRUM**,
on behalf of all survivors and beneficiaries of
his Estate; and

PAYTON WARD, as Personal Representative
of the Estate of **SHANA MILLENDER CRUM**,
on behalf of all survivors and beneficiaries of
her Estate; and

PAYTON WARD, as Guardian of the minor
child **REMINGTON CHASE CRUM**,

Plaintiff,

vs.

FLORIDA PUBLIC UTILITIES COMPANY,

Defendant.

_____ /

COMPLAINT FOR DAMAGES

COMES NOW the Plaintiff, **PAYTON WARD**, as Personal Representative of the Estates
of **COREY MICHAEL CRUM** and **SHANA MILLENDER CRUM**, and as Guardian of the
minor child **REMINGTON CHASE CRUM**, by and through the undersigned legal counsel, to
file this Complaint for damages against the Defendant, **FLORIDA PUBLIC UTILITES
COMPANY**, alleging as true the following:

1. This is an action arising in Liberty County for damages in excess of the circuit
court's jurisdictional limits, so venue and jurisdiction are vested in the Circuit Court in and for
Liberty County, Florida. The Plaintiff demands a trial by jury.

2. The parties are:

a) Payton Ward, a resident of Florida, who will be bringing a wrongful death claim as the Personal Representative of the Estate of her mother, Shana Millender Crum, a wrongful death claim as the Personal Representative of the Estate of her stepfather, Corey Michael Crum, and a personal injury claim as the Guardian of her minor brother, Remington Chase Crum.

b) The Defendant, Florida Public Utilities Company (hereinafter “FPU”) is a Florida for-profit corporation that is registered to do business in Florida and which is doing substantial business in Liberty County, Florida.

3. Defendant FPU was incorporated in 1924, and for several decades it has been the distributor and seller of electrical power to customers in Liberty County, Florida.

4. As a power company, Defendant FPU must shoulder a greater-than-usual duty of care in proportion to the greater-than-usual zone of risk associated with the business enterprise they have undertaken. Electricity has unquestioned power to kill or maim. This is the precise reason the duty imposed upon power companies is a heavy one, because the risk defines the duty. Thus, if there is any general and foreseeable risk of injury through the transmission of electricity, the courts are not free to relieve the power company of this duty. McCain v. Florida Power Corporation, 593 So.2d 500, (Fla. 1992).

5. Decades ago, Defendant FPU erected power poles and ran primary (high voltage) power distribution lines alongside Michaux Road in Liberty County.

6. Subsequently, at various times, Defendant FPU installed transformers on certain power poles alongside Michaux Road and then ran secondary (lower-voltage) power distribution lines from those transformers to the actual businesses or homes of their customers.

IMPROPER INSTALLATION

7. At some point many years ago, Defendant FPU was asked to provide power for lighting and other facilities associated with a horse track and stables that were located on premises owned and operated by the Liberty County School Board.

8. Pursuant to this request, Defendant FPU erected power poles and ran power lines from a certain power pole alongside Michaux Road (hereinafter “Pole #1”) to newly erected poles (Pole #2 and Pole #3) on school grounds and then ultimately to the lights and stables themselves.

9. However, for unknown reasons, Defendant FPU did *not* install a transformer on Pole #1, the pole on Michaux Road, and then run lower-voltage insulated secondary power lines over the school grounds to Pole #2, Pole #3, etc.

10. Instead, Defendant FPU elected to span uninsulated high voltage (7,200 volts) primary power lines across school grounds for forty (40) feet from Pole #1 to Pole #2, and then again for another 188 feet from Pole #2 to Pole #3.

11. It was not until Pole #3 that Defendant FPU installed a transformer and converted the high voltage uninsulated power lines to the much lower-voltage insulated secondary power line that would then go on to service the lights and stables.

12. Furthermore, for that 228 foot distance of high-voltage uninsulated electrical power transmission across school grounds from Pole #1 to Pole #3, Defendant FPU elected to use a single-phase system consisting of two wires: a “hot/live” electrical transmission line and a “cold” grounded neutral line.

13. On all of the high-voltage power lines running along Michaux Road – and for that matter, on all of the high-voltage power lines running throughout the United States of America –

this sort of two-wire delivery system is erected and installed with the “hot/live” transmission wire *on top* and the “cold” grounded neutral wire *on the bottom*.

14. In fact, for the first forty (40) feet from Pole #1 to Pole #2, Defendant FPU followed the proper procedure and ran the two wires with the “hot/live” transmission wire on top and the “cold” grounded neutral wire on the bottom.

15. However, for unknown reasons, Defendant FPU then intentionally violated the National Electrical Safety Code by “flipping” the two wires at Pole #2 and running them “upside down” with the *hot wire on the bottom and the cold wire on the top* for 188 feet to Pole #3.

16. Defendant FPU did not install any warning signs of any sort to notify the general public of this extremely unusual and dangerous “flipping” of the wires.

IMPROPER DE-ENERGIZATION

17. At some point prior to 2018, Defendant FPU was notified that the lights and stables on school property were going to be disassembled and taken down.

18. Accordingly, Defendant FPU was asked to de-energize the power lines coming from Michaux Road to the stables so that the demolition work could be performed safely.

19. The line was in fact de-energized, and all of the secondary insulated wires that had previously run from the transformer on Pole #3 to the lights and stables were permanently removed.

20. However, even though it was known to Defendant FPU that no further electrical power was needed from this abandoned line, Defendant FPU elected to leave Pole #2 and Pole #3 and the 228 feet of high-voltage uninsulated wires in place across school grounds rather than take them down.

21. More importantly, even though it was known to Defendant FPU that no further electrical power was needed from this abandoned line once the stables were gone, Defendant FPU elected to *re-energize* the wires and leave that 228 feet of high-voltage uninsulated wires *fully energized* for no reason. This included the 188 feet of improperly “flipped” wiring from Pole #2 to Pole #3 that was in violation of the National Electrical Safety Code.

22. Defendant FPU did not install any warning signs of any sort to notify the general public that these abandoned “lines to nowhere” were still active and had *not* been de-energized as everyone believed them to have been.

THE FATAL INCIDENT

23. On March 10, 2019, Liberty County High School baseball coach Corey Crum was present on the school grounds to help erect a new scoreboard in place of the old scoreboard that had been demolished by Hurricane Michael in 2018.

24. At that time and place, Corey’s wife Shana Crum and their 14-year-old son Chase Crum were also present and assisting in general clean up and preparation of the ball field.

25. The Liberty County High School baseball field sits on the same large piece of property that once held the stables previously mentioned herein.

26. Accordingly, the 228 feet of high-voltage uninsulated transmission wires running from Pole #1 to Pole #3 now spans a portion of the school grounds generally located outside of the baseball field behind the centerfield fence.

27. More specifically, the 188 feet of “upside down” high-voltage uninsulated wires running from Pole #2 to Pole #3 now spans a portion of the school grounds that contains a dirt access road from Michaux Road and a grass parking lot for baseball players and members of the

public attending baseball games.

28. On March 10, 2019, Corey Crum was using a forklift to lift a basket off of a flatbed trailer that was parked on the dirt access road referenced above.

29. At that time and place, Corey Crum had good reasons to believe that the overhead span of two wires was *not* energized and had not been since the stables had been demolished and the lines had been abandoned.

30. Corey Crum was very knowledgeable and well-trained in operating heavy machinery around electrical transmission wires from his many years of working at Jackson-Cook Cranes.

31. If Corey Crum had *any* reason to believe that these overhead “lines to nowhere” were in fact energized, Corey Crum would *not* have operated the forklift at that location and would have simply relocated the flatbed trailer to a different location.

32. After raising the forklift to the necessary height required to successfully lift the basket off of the trailer, Corey Crum began to back the forklift away from the trailer.

33. While backing away, Corey Crum noticed that the uppermost raised portion of the forklift had come into contact with the lower of the two wires running from Pole #2 to Pole #3.

34. Corey Crum had no way of knowing or even suspecting that Defendant FPU had improperly “flipped” the wires from Pole #2 to Pole #3, creating the only “upside down” span of dangerous wiring in all of Liberty County.

35. Upon contacting this “hot/live” wire -- which *should* have been either completely de-energized *or* a cold grounded neutral wire – 7,200 volts of electrical current energized the forklift but did not cause any electrical shock to Mr. Crum because the rubber tires on the forklift prevented the current from completing the circuit to ground.

36. At this time, because Corey Crum could not feel any electrical current and had no reason to suspect that this lower wire was energized, he jumped down off the forklift and walked around to look up at the lower wire to make sure that his forklift was not tangled in it and to make sure that he would be able to lower his forklift without pulling the wire down.

37. Corey Crum was not electrocuted upon exiting the forklift because he was never in contact with the forklift and the ground at the same time.

38. Upon visually confirming that his forklift was only in contact with the lower wire and that it was not entangled, Corey Crum had every reason to believe that it was safe to get back in the forklift and lower the forks away from the lower wire.

39. Even if Corey Crum *had* realized that this span of line was energized when his forklift contacted the lower wire, he would have had every reason to believe that the lower wire was the cold grounded neutral wire.

40. In fact, if he had looked from his point of view out to the road to confirm the configuration of the wiring, he would have seen that the wires did in fact leave Pole #1 on Michaux Road properly with the “hot/live” wire on top and the cold grounded neutral wire on the bottom.

41. More importantly, as a result of his previous experience and training, Corey Crum knew precisely what steps to take if and when his machine came in contact with a hot/live wire; either stay in the insulated cabin and call for help to shut down the power, or to exit the cabin by jumping to the ground with both feet together and hopping as far away as possible before calling for help to shut down the power.

42. Therefore, if Corey Crum had any reason at all to believe that this lower wire was a hot/live wire, he would have safely cleared everyone from the area and certainly would *never*

have attempted to get back into the forklift like he did.

43. However, upon grabbing the grab bar with his right hand to pull himself back up onto the forklift, the electrical circuit was now closed and Corey Crum was immediately exposed to 7,200 volts of electricity running through his body.

44. Unfortunately, because of the “magnetization” caused by such a strong current, Corey Crum was unable to pull himself away from this position and therefore remained exposed to this high voltage.

45. Upon seeing that her husband was being electrocuted and could not help himself, Shana Crum began running to the forklift to try and save her husband.

46. Unfortunately, because the current was so strong, she was unable to knock him away from the forklift and instead, upon contacting him, she became “magnetized” and was herself electrocuted.

47. At this time, 14-year-old Chase Crum heroically attempted to run over and save his parents, but he was fortunately tackled and held down by his friend before a third fatality could occur.

48. Chase Crum did, however, get close enough to his parents to expose himself to some level of electrocution and thereby suffered electrical burns to his own body.

49. Tragically, because it took approximately 45 minutes for Defendant FPU to arrive on scene and de-energize the line, everyone who was present -- including their own son Chase -- could only stand by and watch helplessly as Corey Crum and Shana Crum died and as their bodies eventually both caught on fire from the continuous electrical current.

WRONGFUL DEATH CLAIM OF COREY CRUM

Plaintiff realleges Paragraphs 1 – 49 herein.

50. As the direct result of Defendant FPU's negligence referenced herein, Corey Crum died from injuries he suffered during this incident.

51. Specifically, Defendant FPU owed a duty of care to not create a foreseeable zone of risk to the general public, Defendant FPU's negligent actions breached that duty, the breach of that duty was the proximate cause of Corey Crum's death, and his family and estate have therefore suffered damages.

52. Payton Ward, as Personal Representative of the Estate of Corey Crum, brings this action pursuant to the Florida Wrongful Death Act, Florida Statutes Sections 768.16-768.27 (1991). Because Corey Crum died before his wife, the known survivors and potential beneficiaries of a recovery for the wrongful death of Corey Crum are his wife and his only natural child:

- a. SHANA MILLENDER CRUM (date of birth: March 2, 1978)
- b. REMINGTON CHASE CRUM (date of birth: December 15, 2004)

53. The Estate of Corey Crum has sustained a loss of net accumulations, medical bills and funeral expenses.

54. The surviving wife and child of Corey Crum both suffered the loss of the decedent's companionship and protection and have sustained tremendous mental pain and suffering as a result of his tragic death. Such damages have been sustained in the past and will be sustained in the future.

WHEREFORE, Plaintiff Payton Ward, as Personal Representative of the Estate of Corey Crum, demands a judgment against Defendant Florida Public Utilities Company for all damages permitted under the Florida Wrongful Death Act, the costs of this action and such other relief as

may be deemed just and proper.

WRONGFUL DEATH CLAIM OF SHANA CRUM

Plaintiff realleges Paragraphs 1 – 49 herein.

55. As the direct result of Defendant FPU's negligence referenced herein, Shana Crum died from injuries she suffered during this incident.

56. Specifically, Defendant FPU owed a duty of care to not create a foreseeable zone of risk to the general public, Defendant FPU's negligent actions breached that duty, the breach of that duty was the proximate cause of Shana Crum's death, and her family and estate have therefore suffered damages.

57. Payton Ward, as Personal Representative of the Estate of Shana Crum, brings this action pursuant to the Florida Wrongful Death Act, Florida Statutes Sections 768.16-768.27 (1991). Because Shana Crum died as a widow, the known survivors and potential beneficiaries of a recovery for the wrongful death of Shana Crum are her three natural children:

- a. PAYTON BAZE WARD (date of birth: May 21, 1995)
- b. BAYLEE KATE BAZE (date of birth: December 23, 1996)
- c. REMINGTON CHASE CRUM (date of birth: December 15, 2004)

58. The Estate of Shana Crum has sustained a loss of net accumulations, medical bills and funeral expenses.

59. The surviving children of Shana Crum have all suffered the loss of the decedent's companionship and protection and have sustained tremendous mental pain and suffering as a result of her tragic death. Such damages have been sustained in the past and will be sustained in the future.

WHEREFORE, Plaintiff, Payton Ward, as Personal Representative of the Estate of Shana Crum, demands a judgment against Defendant Florida Public Utilities Company for all damages permitted under the Florida Wrongful Death Act, the costs of this action and such other relief as may be deemed just and proper.

INJURY CLAIM OF CHASE CRUM

Plaintiff realleges Paragraphs 1 – 49 herein.

60. As the direct result of Defendant FPU's negligence referenced herein, Chase Crum suffered injuries during this incident.

61. Specifically, Defendant FPU owed a duty of care to not create a foreseeable zone of risk to the general public, Defendant FPU's negligent actions breached that duty, the breach of that duty was the proximate cause of Chase Crum's injuries, and he has therefore suffered damages.

62. Payton Ward, as Guardian for Chase Crum, a minor, brings this action on his behalf.

63. As a result of Defendant FPU's negligence, Chase Crum suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for enjoyment of life, expense of medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and Chase Crum will suffer the losses in the future.

WHEREFORE, Plaintiff, Payton Ward, as Guardian of Chase Crum, demands a judgment on his behalf against Defendant Florida Public Utilities Company for all of his damages, the costs

of this action and such other relief as may be deemed just and proper.

/s/ Halley B. Lewis, III

HAL LEWIS

Fonvielle Lewis Messer & McConnaughay

FL Bar ID No. 0915742

3375 Capital Circle Northeast

Building A

Tallahassee, FL 32308

(850) 422-7773

FAX: (850) 422-3449

Primary email: hal@wrongfullyinjured.com

Secondary email: angela@wrongfullyinjured.com

Attorney for Plaintiff (s)