



OIL REFINERY EXPLOSIONS

**What To Do If You Are Injured Or
Lost A Loved One In The Disaster**

Jimmy Doan, Esq.

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Lost A Loved One In The Disaster**

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PREFACE

I am proud to work with my wonderful team to create this book to help victims and their families during some of the worst times in their lives. There is light at the end of the tunnel. I hope my experience, passion, and knowledge can help you find peace during the trying times. Godspeed.

DEDICATION

I would like to thank everyone I have encountered in my life. Everyone has added to who I am today. The journey to be a lawyer itself has been very rewarding. I hope to meet many more great people as I continue this journey in life.

DISCLAIMER

This publication is intended to be used for educational purposes only. No legal advice is being given, and no attorney-client relationship is intended to be created by reading this material. The author assumes no liability for any errors or omissions or for how this book or its contents are used or interpreted, or for any consequences resulting directly or indirectly from the use of this book. For legal or any other advice, please consult an experienced attorney or the appropriate expert, who is aware of the specific facts of your case and is knowledgeable in the law in your jurisdiction.

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TESTIMONIALS

"I ask a lot of questions. Sometimes I go overboard with what I believe are silly ones but nonetheless, my questions and concerns were always answered in a way I could understand. I appreciate my calls being returned in a timely matter. At The Doan Law Firm, they were always professional and welcoming. Thank you for making sure my case went smoothly and I greatly appreciate the firm's thoroughness from beginning to end! I'll definitely refer to friends and family!!"

- H.C.

"After my husband was injured in a work-related accident, we knew we needed good representation. We contacted The Doan Law Firm and after a brief consultation, they began representing us. Mr. Doan would have status meetings to keep us abreast of the case and it was settled to our satisfaction. We were treated as if we were their number one and only client. I would highly recommend The Doan Law Firm if you need legal representation."

- J.P.

“Wonderful, great, and caring people who will help you with your claim. I had no issue with communication with them and they always kept me up to date. They would always return my calls when I had questions. I highly recommend to everyone.”

- J.A.

“Extremely impressed with their service. I won’t hire any other law firm. The paralegals are super helpful with setting up my doctor appointments etc. Settled my case super-fast!”

- J.M.

I was very pleased with the amount of professionalism the whole staff showed me while promptly getting my case resolved. Highly recommended.

- L.B.

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ABOUT THE AUTHOR



Growing up in Texas, we live around refineries, especially in the Houston area. You can't go more than a couple of blocks without seeing one. I remember in the beginning part of my career in 2005, there was a big refinery explosion at the British Petroleum Plant (BP Plant) in Texas City. There were multiple deaths and I remember knowing many lawyers at that time who represented these clients that were seriously hurt. I knew then, I wanted to be involved in these cases. These were high-stake cases and the injuries were significant, some life-threatening and career-ending.

I like to help people in very tough situations, so I knew I wanted to be involved in refinery explosion cases. As mentioned, there are refineries everywhere in

this area in Houston and also the recent influx of fracking in the West Texas. We have offices in in this area including Midland, Midland-Odessa, and Abilene which house a lot of these refineries. I knew it would be advantageous for a firm, such as mine that has a lot of experience and money, to help severely injured persons with their cases.

Experiences In Oil Refinery Explosion Cases

It is critical to find the right attorneys to work on refinery explosion cases. These cases are extremely difficult and technical. I personally have handled many of these refinery explosion cases. My firm has the right experts to help investigate these accidents. Refineries aren't designed to explode, so when they do, someone did something wrong. My team of investigators are well versed in this area. They also work closely with OSHA, who has almost unfettered access to the scene after an accident, to figure out the problem. Because our experts have worked alongside OSHA in many cases, we can quickly prevent evidence from being lost and ensure it is preserved. Additionally it takes a lot of money to go after

these giant oil companies. These companies are probably some of the richest in the world and often have some of the best defense lawyers. They will try to outspend the victims. Because our firm has an extensive history of winning large verdicts, we are well-funded and we can afford to go up against these large companies. Often we can battle these huge gas companies for years and still have plenty of money to get to the truth.

When people hire law firms that are not experienced in this area or don't have enough money, the insurance company will take advantage of those factors. However, they know our reputation. They know that we have money to stand toe-to-toe and fight to get the compensation our client deserve.

CHAPTER 1

HOW COMMON ARE REFINERY EXPLOSIONS IN TEXAS AND THE UNITED STATES?



Unfortunately, refinery explosions are very common in Texas, Louisiana, Oklahoma, New Mexico, and the southern states of the United States. Texas is by far the largest oil producing state, producing a total of a 1.85 billion barrels in 2019 alone. Each year there are between five and ten refinery explosion cases in this state alone, which result in multiple deaths and severe burn injuries.

What Are The Most Common Causes Of Refinery Explosions?

Some of the most common causes of oil refinery explosions include impaired or dirty chemicals, improper maintenance equipment, improper storage, and numerous human errors by poorly trained employees.

In Texas, it seems like oil refinery companies are hiring younger people with less and less experience. Oftentimes, people take these jobs because they pay very well. However, these employees don't have the necessary training or experience. Regrettably, this is a deadly combination. Having inexperienced people working side-by-side in an oil refinery can destroy an entire community and city.

What Are Some Of The Severe Injuries That Occur In Oil Refinery Explosions?

In my 15 years of experience as a personal injury lawyer, I would say the injuries I see resulting from oil refinery explosions are by far some of the worse. These cases are heart breaking. Victims suffer terrible burns. Just imagine the worst burn and then multiply it by ten

times. In addition to the initial injury, the treatment for a burn victim is a horrific experience. I've helped families cope with these situations. I've been in the emergency room. I've been with them every step of the way. The recovery process breaks your heart. The amount of scrubbing involved for someone that's burned, especially a chemical burn, is excruciating. The victims scream and cry.

For victims who were within the closest proximity to the explosion, death frequently occurs. Most oil refinery explosion cases involve five to ten deaths, and usually hundreds of victims that have severe burns or flash burns.

In addition to burns resulting from oil refinery explosions, many victims endure physical injuries from having to jump from a high platform. Back injuries, a broken back, broken ankle, or broken legs are common after an explosion.

What Factors Make A Strong Oil Refinery Personal Injury Case?

Oil refineries are not meant to explode. When something goes wrong, it means somebody did something wrong. I have never seen an instance where a refiner just exploded for no reason.

My team of experts have years of experience handling these cases. There is a big culture of cover-up in these type of explosions because there are often multi-millions and billions of dollars involved. It involves big companies. Our job is to aggressively interview all the witnesses and safety teams during their deposition and interrogatories to find out who did what wrong.

CHAPTER 2

WHAT DO YOU SAY TO ANYONE WHO MIGHT BE THINKING ABOUT HANDLING THEIR OWN CASE?



I always tell every client the same advice that I would give a family member. Sometimes, you don't need to hire a lawyer if it involves a less serious injury. However, for more severe cases, such as injuries resulting from oil refinery explosions, insurance companies will never pay what you are owed unless you have a lawyer to represent you; a very good, aggressive attorney.

It is also important to consider that every case involves two parts. It involves liability, which refers to at-fault, and it involves damages, which refers to how much they need to pay for being at-fault. The second part is the difficult part. Liability is often clear in a lot of personal injury cases. However, in oil refinery explosions, liability can be much harder to prove. If you try to handle the case yourself, sometimes you may only be getting 2% to 5% of what you actually deserve. The defense lawyer knows that you can't do anything about it. You can't go into court and enforce your rights on your own. However, if you have a lawyer, they know that if they don't pay the right amount, I will march into court and make them pay the fair amount for your damages.

Damages are the really complicated part of any personal injury case. That's why it's so important in any serious injury case to hire a lawyer. There is much more at stake, and the insurance companies won't pay what you deserve unless you have a qualified attorney.

What Do You Tell To People Who Believe The Lawyer Is Going To Take Everything?

A lot of times, people believe that the lawyer is going to take everything in a personal injury case. I can't speak for other law firms, and I've heard these horror stories before. I can tell you, though in over 15 years, we have over 500, 5-star Google ratings. We have never settled a case where the client has not received money in their pocket after all of their bills have been paid. Also, we will not accept any offer or take any settlement until the client agrees to it and signs off on it. If the client is not happy with the amount, the client can always tell us to try and win more, or just not sign it.

There would never be a situation where the client would sign and say, "Hey, I still owe people. We are very meticulous and obtain the client's approval for everything. That is a good safeguard for our clients. At the end of the day, you or your loved one is who was hurt or killed; not myself or my staff. I take very good care of my clients and work to get them compensated for what has happened to them.

CHAPTER 3

WHAT EVIDENCE IS CRITICAL IN BUILDING A STRONG WRONGFUL DEATH CASE?



The most critical evidence that we have to gather quickly in an oil refinery explosion case is whatever caused the blast. Again, refineries are not designed to explode. The reason I keep saying that is because when you drive by a refinery, you see fire and flames. It looks like it's on fire all of the time. That's part of the refinery process. However, it is not a part of the refinery process for it to explode and kill people.

Again, some of the most critical evidence we have to find is what caused the explosion. This is a very complicated area that we are much experienced in. We work closely with OSHA to figure out what went wrong. Often it was human error. It could be that a valve that was supposed to be shut off wasn't. It could be that the pressure release wasn't released when it was supposed to be. There are a number of those types of factors that can cause an ignition in a place that's not supposed to ignite and ensue a big explosion.

The key is to hire our firm quickly so that we can send our experts to the site before anything has changed. Unfortunately, it is the job of the defense to try and cover up what happened. Again, I reiterate, the key is to hire us immediately. We can then swiftly send letters to a judge and the defense to ensure the evidence is preserved. By doing so, this will ensure that nothing changes at the scene until we get a chance to inspect the site and figure out what went wrong.

Who Is Going To Be Liable For My Injuries Or My Loved One's Death In An Oil Refinery Explosion?

Sometimes, there are multiple people or companies who are responsible for the explosion of an oil refinery. Liable parties could include the oil company itself, a third-party company that came to the facility, safety companies, supervisors, managers, or even cleaning crews.

We have found it's not usually just one single factor but a multitude of factors that lead up to an explosion. Every case is unique and different. Our team of experts and lawyers have worked on many oil refinery explosion cases and we are sure to sue everyone that could possibly be involved. We're not here to cause trouble for innocent parties. However, whoever we find that hand in the cause of the explosion or was negligent in not preventing the explosion, we will make sure they are held accountable for their actions.

CHAPTER 4

DEFENSES THAT INSURANCE COMPANIES USE TO AVOID PAYING OUT



The defense will use a lot of the general defenses they use in every personal injury case to avoid paying out on a claim. They might insist the client wasn't seriously hurt and will get better, for example. However, in particular with refinery cases, they use Chapter 95. This is just a fancy word for a master/servant relationship in Texas. It's a way to try to assert workers' compensation bar onto these cases.

The following is a passage from Chapter 95:

“A property owner is not liable for personal injury, death, or property damage to a contractor, subcontractor, or an employee of a contractor or subcontractor who constructs, repairs, renovates, or modifies an improvement to real property, including personal injury, death, or property damage arising from the failure to provide a safe workplace unless:

- (1) the property owner exercises or retains some control over the manner in which the work is performed ...” Etc., etc.

In this statement, you can see how there could be arguments going both ways. One of the two areas here that I have seen the defense use to their advantage is the part about “construct, repairs, renovates, or modifies”. They will often argue that the employee was there to do one of those actions. We will argue the other side if we see fit. The other area of argument the defense often uses in these cases is where it refers to, “property owner exercises or retains some control”.

Oftentimes, we will be in court for weeks, if not years, arguing the word “control”. We have been fortunate to never have lost a case when the defense has asserted Chapter 95 because of our vast experience in knowing the arguments they will use. When we come into court, we’re very prepared to argue that Chapter 95 does not apply in the cases we take on.

How Does Your Firm Give Your Clients The Best Fighting Chance?

Our firm assures our clients of our vast experience through our track history. They can see our actions and the results from what we have done in the past with these types of cases.

We’re not in a hurry to try to settle cases quickly because we need the money. Our firm has won multiple millions of dollars, so we can spend the time and money to go up against these companies and their defense firms. Additionally, we have the connections and can afford to bring in some of the best experts in the field to work on a case.

Often times if the defense knows that a firm doesn't have experience in this specific area of personal injury law, they will take advantage of that. They will also jump on the opportunity to go up against small firms that don't have as much funding as our firm does, by dragging the case out.

How Often Would You Say These Types Of Cases Would Go To Trial?

The chance of an oil refinery explosion case going to trial is slim. However, what makes our firm different is that we are ready, able, and wanting to go to trial to expose any wrongdoing. Oftentimes, the defense will not settle these types of cases. Sometimes they wait until an hour before we start picking the jury.

It's important to hire a firm like ours because we have the money and experience to go to trial if we need to. This is key to getting the largest recovery for your case. You have to have a law firm that the oil company and the attorneys on the other side fear going to trial with. We have won record-breaking verdicts across multiple states in the United States. Those kind of

results instill the fear in the other side that you need when you are looking for a law firm.

I can tell you with certainty, the defense does not look forward to going to trial against us. We have never lost an oil refinery explosion case in the history of our firm.

CHAPTER 5

COMPENSATION IN AN OIL REFINERY WRONGFUL DEATH CASE



There are several things that get triggered that bring about additional compensation in an oil refinery explosion case. A wrongful death claim will allow certain family members of the victim, such as a husband or wife, to recover wrongful death benefits. Those benefits could include loss of future wages, loss of consortium and loss of relationships. Oftentimes, the victim that died is the one who provided for his or her family. We have often

found that these workers get paid a significant amount of money because they work around very dangerous conditions. When someone dies in an oil refinery explosion, we are able to prove what they would have made in the future in order to take care of their family. Often, these workers make over a \$100,000 per year. As such, we hire a life care planner to demonstrate how much the victim would have made over their career and we fight for that amount.

Does Workers' Compensation Play Any Role In This Or Is That Completely Separate?

A typical workers' compensation bar means that if a victim works for the same company that was at fault, oftentimes all he or she gets is workers' compensation benefits. There is also an additional complicated statute that goes back hundreds of years called Chapter 95 in Texas, which provides additional protection for the oil company. Essentially, it is a law that allows the reach of workers' compensation to extend to people that do not work for them. It is a complicated matter. However, we have had many years of experience dealing with this type of defense.

Generally, oil refinery explosion cases are extremely complicated and intricate. They involve many employees and companies. Oftentimes when explosions happen, it is the fault of another company. Therefore, workers' compensation does not always apply. That's the good part. The bad part is that Chapter 95 could apply. The defense can argue, "Although they are not our employees, we had control over everyone here. Because we had control, we were basically their employer. Therefore, workers' compensation bar should apply."

However, as I mentioned we have a lot of experience dealing with this. We have never lost a case with Chapter 95 being asserted. That is why it's so important to hire our firm. We are extremely well-versed in this tricky defense often used by the oil companies.

Will The Damages Be Similar To The Trucking Accident Or Other Vehicle Accident Cases?

There is one huge difference in an oil refinery case as far as damages is concerned, and that is punitive damages. Punitive damage is a word used to describe the amount of money you can recover from a

defense or defendant. Punitive is the root word for punish. Whenever there is an oil refinery explosion case and the oil company has done something wrong, our clients are often entitled to punitive damages. Punitive damages can sometimes be huge because it is based on the value of the company that caused the injuries. If the company is very large and worth billions of dollars, a verdict for \$10 million may not punish them. It may allow them to take the position of, "Hey, we're going to go back to and cause this explosion to happen again. Multiple people could die or get hurt. Instead of fixing the problem, we are just going to pay a couple of million dollars when someone dies."

Punitive damages are unique in that we are allowed to present to the jury how much money the defendant has. In doing so, the judge and the jury will award an amount to the victim to punish the at-fault party.

For instance, if the defendant is a billion-dollar company, they may award an amount of a billion dollars to punish them so that it doesn't happen again. That is exclusive in these types of cases because a

verdict for \$10 million would be large, but not large enough to punish a big company that has billions of dollars. It's essential to hire a firm, such as ourselves, because when we ask the jury to award our client a billion dollars, we don't shake. We don't blink. We know they need to be punished.

CHAPTER 6

WHAT SETS YOU AND YOUR FIRM APART IN HANDLING OIL REFINERY EXPLOSION CASES?



What sets our firm apart in handling oil refinery explosion cases is the attention to detail we give each case. We make sure the families and the victims are compensated for the rest of their lives. Over 90% of our clients are never able to work again. Therefore, we want to make sure that when we represent someone who has been severely injured, their families are taken care of for the rest of their lives. The cases we handle

often involve death or many times, involve career-ending injuries. They will never make another dime in their lives. Therefore, we have to make sure that when we take on a case, we make the client and their family whole again. When I say “whole,” I mean we have to ensure that they are compensated at least to the same amount as if this never happened. For example, if they would have worked another 40 years, we have to win the amount they would have made to provide for their families during that time.

As previously mentioned, the injuries sustained in these cases are often horrific. The pain and suffering is unbearable. It is something I would never wish on my worst enemy. We want to make sure that our clients are compensated for that. We often ask the jury in these cases to consider, “How much would you pay to live pain-free?”

It is not unusual for us to win settlements for our clients of multiple millions of dollars because their injuries are incredibly serious and painful to live with.

At the end of the day, the reason why people hire us for oil refinery explosion cases, besides our great reputation, our excellent customer service, and our network of lawyers and doctors, comes down to one simple answer: RESULTS. Our results speak for themselves.

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NOTES

OIL REFINERY EXPLOSIONS

What To Do If You Are Injured Or Lost A Loved One In The Disaster



Jimmy Doan, Esq.

Attorney Jimmy Doan is the founder of The Doan Law Firm, which is the largest personal injury firm in the United States. He has offices that span from coast to coast, staffed with professionals ready to meet our client's needs 24/7. He dedicates his life to individuals who have been injured and families who have suffered a wrongful death caused by negligence.

Mr. Doan has won record-breaking verdicts in various personal injury cases. He is highly regarded as an expert by his peers in mass casualty cases. He is always still just a phone call away to talk to his clients to make sure they get the best customer service possible. Furthermore, whether a client needs to file a claim with the insurance company, or they want to learn more about pursuing a personal injury lawsuit, or both, Mr. Doan has the experience and skill to handle such tasks with confidence.

There are no laws that are too complex to stop our clients from getting what they deserve. Mr. Doan has the understanding, experience, and passion required to win cases. His unrelenting attention to detail requires that he frequently travel across the United States to conduct investigations, gather evidence, negotiate with insurers, seek assistance from accident reconstruction experts, and build the most effective and personalized legal strategy to maximize his clients' compensation.

"I ask a lot of questions. Sometimes I go overboard with what I believe are silly ones but nonetheless, my questions and concerns were always answered in a way I could understand. I appreciate my calls being returned in a timely matter. At The Doan Law Firm, they were always professional and welcoming. Thank you for making sure my case went smoothly and I greatly appreciate the firm's thoroughness from beginning to end! I'll definitely refer to friends and family!!"

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"Extremely impressed with their service. I won't hire any other law firm. The paralegals are super helpful with setting up my doctor appointments etc. Settled my case super-fast!"

— J.M.

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