

EXPLODING DOG FOOD?

On December 22, 1977, a cold, clear day, the Sunshine Mills plant in Tupelo, Mississippi, exploded, killing several workers and severely burning several others. The mill manufactured dog food. I had been out of law school only three years at the time and was working for another lawyer in Tupelo. The adult daughter of one of the men killed hired the firm I worked for. As you may know, dog food is made out of various grains but that was the first time I had ever heard of a grain mill exploding. But, of course, it was not the grain itself that exploded, but, as I learned from the literature and the experts we hired, the explosion was caused by a mixture of grain dust, with enough oxygen and an ignition source. Grain dust in the air will not explode spontaneously. There must be an ignition source, a fire, a spark, an electrical discharge will ignite the dust and air mixture, and if there is enough of it, it will cause a tremendous blast, which happened on that day.

It was quickly learned that Sunshine Mills kept a contractor on site for repairs and to aid in keeping the mill running. That often meant the use of welding equipment to repair the machinery. The initial ignition point of the blast was determined to be in a grain bin that was being welded by the contractor. It seemed fairly clear that the heat from the welder caused the ignition of the dust/air mixture in the grain bin, causing the bin to explode, which then ignited grain dust throughout the mill.

But nothing is ever easy in litigation. Sunshine Mills itself was covered under Mississippi's workers' compensation laws for the dead and injured workers and they could not be sued and the compensation for the relatives of the dead and the benefits for the injured were meager compared to the horrific burns some sustained.

The contractor was sued along with the manufacturers of some of the equipment in the plant which had contributed to dangerous levels of dust being in the air of the plant. The contractor's and the manufacturers had dozens of big law firm lawyers working their side. It was a long and expensive battle just to get the case to court.

One of the lawyers defending the contractor was "a legend in these parts" as they say. I won't mention his name, but he was if not my hero (since he was always on the other side of many of my cases from then on), he was my "mentor" in the way that someone shows you just how many tricks they can pull on you to make you look foolish. He was a perfectionist, always prepared, always smooth and gentlemanly, who could stab you in the back and make you say "Thank you."

We tried the case for days. It was the longest trial in the history of the county, to my knowledge. Hard fought at every turn and my "mentor" brought out all his tricks of the trade to defeat us. Their strategy was that "static electricity," not the contractor, had caused the explosion and on that cold and dry day it was a somewhat plausible theory. Like when your socks stick to your pants or a lady's skirt binds up.

In the end, the jury didn't buy the "static electricity" theory and found the contractor responsible. Again, money will never bring some one back, but at least if they're looking down they would know justice was done and their family received some consolation from being vindicated by the jury.