

Court of Appeals Reverses \$4 Million Jury Verdict Against Major Utility In Stray Electricity Case

In a published opinion, the California Court of Appeals reversed a \$4 million jury verdict against **Lim, Ruger & Kim, LLP's** client, a major electrical utility, in the *first known case* involving claims of personal injury and emotional distress allegedly caused by stray electricity. Plaintiff's claims arose from contact with a de minimis level of electrical current found on her showerhead following the remodeling of the bathroom. Trial evidence established that stray electricity is the natural byproduct of the grounding requirements of the California Public Utilities Commission (CPUC) which the utility followed. Absent competent evidence of medical probability that plaintiff's alleged injuries were caused by stray voltage, the Court held there was insufficient evidence to uphold the verdicts on negligence and intentional infliction of emotional distress. The Court also found the California Civil Jury Instructions on nuisance were insufficient and possibly misleading and remanded the nuisance claim to be retried. The punitive damages award was entirely reversed and rendered unavailable even on retrial. Lastly, the Court found the trial court had subject matter jurisdiction despite the CPUC's authority and regulations over design of the system.