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**NORFOLK PROPANE EXPLOSION VICTIM'S FAMILY  
SETTLES SUIT AGAINST GAS COMPANY AND PLUMBER  
FOR \$7.5 MILLION**

*New State Regulations Expected Which will Prevent  
Propane Explosions in the Future*

BOSTON-(July 9, 2012)- The family of William ("Billy") Nichols, the Blackstone electrician, who died after the July 30, 2010 propane gas explosion in Norfolk, Massachusetts, has settled its law suit against EnergyUSA Propane and Smolinsky Brothers Plumbing and Heating for \$7.5 million.

The law suit alleged that EnergyUSA negligently under-filled a new propane tank at a Norfolk condominium construction project, causing the chemical odorant which had been added to propane to fade. This made the leaking propane gas odorless and undetectable.

The complaint also claimed that Smolinsky Bothers Plumbing and Heating carelessly failed to tighten a connection to the furnace which led to the leak of the undetectable propane gas. The leaking propane gas caused the explosion.

William Nichols, age 46, was buried under burning debris for 97 minutes before he was rescued by local firefighters. During this time, he was crushed by smoldering debris, enveloped in noxious smoke and suffering with burns over 80% of his body. He pled with his rescuers to say goodbye to his fiancé and other family members. He was removed from the explosion site alive and transported by a MedFlight team to Brigham and Women's Hospital where he died that evening from massive burn and explosion injuries.

Boston attorney Marc L. Breakstone, who represents the family in the wrongful death law suit, called the incident "a terrible tragedy that could easily have been avoided." He added, "This explosion happened because EnergyUSA violated clear warnings and

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safety standards. It was predictable that the odorant would fade, causing a severe explosion hazard.”

Breakstone also said, “EnergyUSA violated a warning printed prominently on the inside cover of the propane tank which they owned, installed and regrettably, only partially filled.”

Breakstone discovered during the litigation that EnergyUSA Propane sold its assets to a publicly-traded energy company for \$66.8 million to avoid the reach of a near-certain punitive damages jury verdict. “In the 11<sup>th</sup> hour, EnergyUSA Propane sold its entire 9-State retail propane operations to avoid getting hit with a multi-million dollar penalty for its gross negligence.” As a result of this move, Breakstone obtained a court-ordered freeze on the remaining company cash assets to ensure that a jury’s verdict could be satisfied.

Stephen Coan, the Massachusetts State Fire Marshal, has responded to this tragedy by leading a national effort to improve safety regulations in the propane industry. His office issued a report which found that a phenomenon known as “odor fade” occurs when the chemical that is added to give propane its distinctive “rotten eggs” smell fades over time. The report noted that this problem is particularly troublesome in new tanks, such as the one at the Norfolk condominium site. As a result of his efforts, it is expected that Massachusetts will introduce new regulations this fall which will ensure better safety training for propane delivery personnel, as well as a requirement that newly installed propane storage tanks get filled to the maximum liquid level to avoid the odorant fade problem that led to the explosion in this case.

The family of Mr. Nichols expressed appreciation that greater safety awareness in the propane industry to the dangers of unodorized gas will result from thier law suit. “It is our hope that our brother’s tragic death will lead to safety standards that may prevent other families from suffering the loss or injury of a loved-one due to a propane explosion,” said Mark Nichols.

Nichols also said “we hope that Billy did not die in vain. Propane consumers should understand the extreme dangers posed by non-odorized and undetectable propane leaking into our homes and businesses. We do not want any other families to suffer the nightmarish experience of losing a loved one this way.”

Breakstone applauded the proposed safety regulations expected in the fall. He said, “It is vital that we have stricter standards in Massachusetts to ensure that propane gas is properly odorized and that all appropriate precautions are taken to prevent odorant fade.”

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Mark Nichols and his attorney, Marc L. Breakstone, Esq., will address this matter at a press conference on Monday, July 9, 2012 at 10:30 a.m. at Two Center Plaza, Suite 530, Boston, MA.

### **Background Information about Marc L. Breakstone**

Marc L. Breakstone has established a reputation as one of the top personal injury and medical malpractice lawyers in New England. His record-setting settlements and verdicts have earned him the distinction of being selected as one of the Top 100 Super Lawyers in New England (2009, 2011 & 2012) and in Massachusetts (2006-2012). He has also been selected by his peers as one of the top medical malpractice plaintiff's lawyers in the Super Lawyer balloting from 2004 to 2010. In 2002, Mr. Breakstone has been honored as one of ten "Lawyers of the Year" in 2002 by *Massachusetts Lawyers Weekly*.