

PREPARING FOR BLAST DAMAGE LITIGATION THROUGH ACCURATE RECORD DOCUMENTATION

KEITH PUCALIK, OPERATIONS MANAGER VIBRA-TECH ENGINEERS, INC.

ABSTRACT

One of the more important duties of the vibration consultant is to evaluate allegations of blasting damage by neighboring property owners. Unfortunately, the consultant is generally faced with having never seen the project, or preparing for litigation three or more years after blasting was completed. Under these circumstances, he must rely totally on blaster's logs and other contemporaneous records to conduct a meaningful evaluation.

Many blasters consider record keeping a regulatory nuisance, repetitive, and an unimportant drudgery compared to the challenge of efficiently and safely breaking rock. Often it takes his appearance in court as a defendant's witness to appreciate the latent importance of these records.

As vibration consultants, we have seen many cases where incomplete or inaccurate blasting logs have created problems for effective testimony in the courtroom. This paper is a review of some of the errors and omissions that are often considered unimportant when completing the log, but have proven to be embarrassing or even devastating in court.

Given the opportunity, even a plaintiff's lawyer, untrained in explosives technology, can use the blasters own logs to devastate his professionalism and credibility. Some of these tactics are discussed in this paper, in an effort to give the blaster insight as to how to avoid such pitfalls.

A case history of a trial in which the author was involved will be presented as an extreme example of how the improper record keeping practices of a blasting contractor resulted in a catastrophic plaintiff's verdict.