Injured Worker Sues After Omaha Industrial Accident

MARGERY A. BECK, Associated Press

OMAHA, Neb. (AP) — A man injured in an industrial building collapse in Omaha that killed two workers earlier this month is suing the company and its owner, primarily in an effort to find out what happened, his lawyer said Wednesday.

Tomas Balderas, of Omaha, was hurt in the Jan. 20 collapse and hospitalized with three broken ribs, a collapsed lung and other less serious injuries, his attorney, Gary Pearson of Lincoln, said.

Pearson filed the lawsuit Tuesday in Douglas County District Court naming International Nutrition, which makes nutritional products that are added to livestock and poultry feed, and the company's owner and president, Steven Silver, as defendants.

The lawsuit says the company and Silver "knew or should have known of the hazards that resulted in the explosion and collapse of their plant."

Federal safety investigators are looking at structural problems and a dust explosion as possible causes of the building's collapse, which killed Keith Everett, 53, and David Ball, 47, both of Omaha, and injured 17 others, including Balderas.

Pearson said that while the lawsuit says Silver and the company should have been aware of the dangers that led to the accident, he had "nothing concrete to point my finger at." Instead, he's hoping the discovery process of the lawsuit will uncover any federal Occupational Safety and Health Administration violations that could have caused the accident.

"The thing that I'm worried about is evidence disappearing that might be pertinent to the case — not deliberately; it could be quite accidental," he said. "But the sooner we get involved, the easier it is for us to be more proactive in terms of trying to figure out how this thing happened."

Workers' compensation will cover Balderas' medical bills for injuries caused by the accident, as well as his lost wages, Pearson said.

"What (workers') comp doesn't cover is anything to do with pain and suffering, any emotional issues you might have because of going through such a catastrophic event," he said.

A public relations firm representing Silver and the company said Wednesday that International Nutrition has been advised by its attorney not to discuss the lawsuit. Silver did not return messages left Wednesday by The Associated Press seeking

comment.

Balderas has been released from the hospital, Pearson said.

"He's going to recover, and he'll be able to be back on the job within about three months," he said.

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