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## Edison Is Ordered to Pay Man \$21 Million

*Courts: Avocado picker's arms were amputated after aluminum pole touched above a tree.*

**July 14, 2001** MILES CORWIN | TIMES STAFF WRITER



A Whittier man whose arms were amputated after his aluminum avocado-picking pole touched a 12,000-volt power line was awarded \$21 million by a jury Friday after Southern California Edison was found primarily at fault.

Allen Kimball, 33, worked as a freelance avocado picker a few months a year to earn extra money while attending business classes at a community college.

"I hope this verdict forces Edison, in the future, to act responsibly so this kind of accident will never happen to another person," Kimball said. "We don't hear about a lot of accidents like this, because immigrant laborers are involved and they don't get much attention. That's why I wanted to speak out. I don't fit the image of the typical avocado picker."

Kimball's left arm was amputated just below the elbow, and his right arm was amputated below the shoulder. He also suffered severe injuries to his right leg.

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The jury found that Edison was 80% responsible for the injuries Kimball suffered in May 1998, when he was picking avocados in Hacienda Heights.

Edison attorney Friedrich Seitz told jurors at the end of the four-week trial that Edison should not be held responsible for someone who used an aluminum pole and metal ladder near a power line.

Gil Alexander, Edison spokesman, said the utility is "considering its legal options."

Kimball's attorney, Christine Spagnoli, said Edison failed to properly trim the avocado tree and left hidden power lines hanging above it. She argued that it was the utility's responsibility to keep the lines clear.

"Edison simply shouldn't have installed lines over avocado trees," Spagnoli said. "They could have moved the lines to a different location--farther from the trees or higher up. The jury felt Edison knew avocado trees and power lines were a dangerous combination and they knew that before they put in the lines."

Spagnoli told jurors that Kimball was partially responsible for the accident because there were places in the yard where wires were visible but he did not see them. Kimball also used the aluminum pole and metal ladder near a power line, which was a "secondary issue of responsibility," she said.

"From the very beginning this has been about shared responsibility," Spagnoli said.

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Since the accident, Kimball has run the Los Angeles Marathon twice and climbed Half Dome in Yosemite.

He is finishing his college degree on the Internet and will graduate in about eight months. He uses his big toe to log on to the computer and types with his toes.

While in the hospital, he met an occupational therapist intern. They became close friends and now she is his girlfriend. She helped him climb Half Dome and has been a great source of support and encouragement, he said.

"The public has no idea what a disabled person endures," Kimball said. "They hear about wheelchair athletes and other exceptional stories. They don't see the day-to-day struggles.

"I have to have someone help me shave. I can't cook a meal. I was once locked in a courthouse bathroom for about a half-hour because I couldn't open the door. Yes, I've accomplished some things, but people don't know how painful it is."



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