

City may file suit in death of firefighter

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The city of Amarillo may file a lawsuit related to the firetruck accident that resulted in a firefighter's death last spring.

The city indicated the possibility in a letter it sent to the Texas Attorney General's office and copied to the Amarillo Globe-News on Monday.

"There are several product liability issues surrounding this death and the litigation the city anticipates filing soon," City Attorney Marcus Norris wrote.

The letter was in response to the newspaper's request last week for a copy of an engineer's report used in the city's investigation of the accident.

Firefighter Christopher Brian Hunton, 27, died April 25 after falling from a passenger seat as the firetruck he was on rounded a turn en route to a house fire two days earlier.

The city earlier this month announced preliminary findings of its investigation, including that Hunton hadn't been wearing a seat belt and that the door appeared to have a defective latch.

Officials said further information wouldn't become available until after the city attempts to verify the findings with other experts. Norris has said he'll release the engineer's report then, possibly later this year.

In his letter to the attorney general, Norris argues the engineer's report is protected information because it falls under an exemption provided in the Texas Public Information Act. The exemption he cites is for information relating to litigation to which the city may be a party. "The expert report ... was prepared for the city by an engineer in contemplation of litigation," Norris wrote.

He noted the following liability issues surrounding Hunton's death: whether the door latch was properly designed; whether the latch performed properly or failed; what role maintenance might have played in the latch's failure; and whether alternative designs of the door or latch could have prevented the latch's failure. Joel White, an attorney who specializes in public access issues and president of the Freedom of Information Foundation of Texas, said he couldn't see grounds for the city to sue. "Even assuming there's something wrong with the truck, the city can't file a lawsuit based on the fact that a fireman was killed," White said. "Only the family could do that. It would be a wrongful death suit."

Paul Hunton, the firefighter's father, declined to say whether the family will sue the firetruck's manufacturer, Freightliner/LaFrance. But he did say the family won't sue the city. Norris's letter states that the city has been in contact with a plaintiff's attorney representing the family. When asked whether the city intends to sue the manufacturer, Norris declined to answer, saying he wouldn't discuss it now. He also declined when asked on what grounds the city could sue.

"Whoever's talking to you, they don't know the law in this state," he said. "There's several things

going on. ... It's a far more complex legal situation." Norris said he didn't want to "tip his hand" any more than he already did in the letter. "Again, it's all going to come out. It's a matter of timing, is all," he said.