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Firm loses verdict for sleeping employee

By **ANTHONY CASKEY**

The Brownsville Herald

RAYMONDVILLE — A Willacy County jury Friday afternoon delivered a \$5.95 million verdict against Nabors Drilling USA, Inc. for failing to train an employee about the risks of driving a motor vehicle after working a graveyard shift.

Nabors employee Roberto Ambriz fell asleep at the wheel at 6:30 a.m. March 17, 1998, about 20 minutes after he had ended his graveyard shift. Four people died in the collision.

The families of the four people who died sued Nabors for damages.

Nabors Drilling USA, Inc. is the largest oil and gas land-drilling contractor in the world, according to the company's Web site.

"This is the first time that a decision has been won against an employer, and specifically an oil company, for failure to train its employees that work graveyard shifts about the risks of driving after working a graveyard shift," Brownsville attorney Ray Marchan said.

Brownsville state District Judge Menton Murray presided over the trial, Marchan said.

Marchan was the lead attorney representing family members of the four people who died when their vehicle was hit head on by a private pickup truck driven by Ambriz.

The collision occurred on Texas State Highway 490 as Ambriz drove his 1995 Dodge pickup truck eastbound near Raymondville, Marchan said.

No evidence was found that

Ambriz was under the influence of alcohol or drugs when the collision occurred, Marchan said.

Martin Rodriguez, 35, was driving a vehicle in which Leovarda Torres, 61, Roberto Escoto, 30, Jose Ramon Gutierrez, 16, were passengers when Ambriz's truck hit their vehicle, Marchan.

The four died in the collision, Marchan said.

Ambriz died two days after the collision, Marchan said.

Marchan said that because of the circadian rhythm, an internal cycle that governs sleep, humans were designed to be sleeping, not working at night.

Since modern companies are bucking human nature by having their employees work the graveyard shift, something that can lead to dangerous exhaus-

tion, those companies are responsible for training their workers about the dangers of driving home after working a graveyard shift, Marchan said.

He said he viewed the verdict as societal progress.

Just as 20 years ago a bar had no responsibility if a customer left its premises under the influence of alcohol and had a fatal accident but now does, employers who let their graveyard shift employees drive after working a graveyard shift without training them of the hazards now have responsibility also, he said.

Marchan said he expects Nabors to appeal.

"Very rich oil companies will always appeal," he said.

Officials of Nabors Drilling USA, Inc. were unavailable for comment Friday evening.