

# Texas family files \$100 million lawsuit against power companies after death of 11-year-old son

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The family of Cristian Pineda, an 11-year-old boy who died in his bed from suspected hypothermia amid power outages and record freezing temperatures last week, is suing two major Texas energy companies for \$100 million, alleging negligence that led to his death.

The Pineda family's mobile home in Conroe, Texas was without power for more than 24 hours last week as temperatures plunged as low as 9 degrees Fahrenheit. On Monday night, Cristian shared a bed with his three-year-old brother while his mother and stepfather tried to comfort their infant son nearby. Cristian was found unresponsive the next morning. His mother Maria Pineda called 911 and attempted CPR, but Cristian was already dead.

Houston attorney Tony Buzbee filed the lawsuit on the Pineda family's behalf against the Electric Reliability Council of Texas (ERCOT) and Entergy Corporation. In the lawsuit, Buzbee alleges that Cristian's death, and dozens of others throughout the state, would have been prevented if ERCOT and Entergy took action to protect the electric grid from extreme weather and properly warned residents of prolonged power outages during frigid temperatures.

The lawsuit accuses the energy companies of gross negligence and correctly states they "put profits over the welfare of people" by failing to follow recommendations to winterize the power grid and misleading residents about how long blackouts would last.

"Despite having knowledge of the dire weather forecast for at least a week in advance, and the knowledge that the system was not prepared for more than a decade, ERCOT and Entergy failed to take any preemptory action that could have averted the crisis and

were wholly unprepared to deal with the crisis at hand," the lawsuit states.

The suit asserts that ERCOT caused Texans to believe that the blackouts would only be temporary, which prevented them from preparing or evacuating the area. In fact, residents were initially told that "rolling blackouts" would last 10 to 45 minutes. Instead, many were out of power for days, forced to manage multiple nights of below-freezing temperatures without power to heat their homes.

The lawsuit references a 2011 report by the Federal Energy Regulatory Commission and the North American Electric Reliability Corporation. The report, issued the summer after another winter storm caused widespread power outages, found that state officials already in 1989—after another winter storm that wreaked havoc on the state—"issued a number of recommendations aimed at improving winterization on the part of the generators."

The two prior disasters did not provide enough impulse to encourage the state government to protect the lives of its citizens by upgrading and modernizing the power grid.

"Rather than invest in infrastructure to prepare for the known winter storms that would most certainly come and potentially leave people vulnerable without power, the providers instead chose to put profits over the welfare of people, and ERCOT allowed them to do so," the lawsuit concludes.

More than 70 deaths have so far been attributed to the intense weather that devastated a wide swathe of the US. About half of the deaths were in Texas alone.

Carrol Anderson, a 75-year-old man who breathed with the help of oxygen tanks, was found dead inside

his pickup truck on Tuesday. His stepdaughter told the *New York Times* that Anderson kept a spare oxygen tank in his truck. She figured Anderson went outside to retrieve it after he lost power because his main tank required electricity. His death was determined to have been the result of hypothermia.

Officials in Galveston County confirmed that two residents died from exposure to the cold, and at least one person died of carbon monoxide poisoning. Four other deaths are under investigation to see if they are connected to the weather.

In Houston, an immigrant family from Ethiopia was found poisoned inside of its idling car, parked in their garage. Etenesh Mersha was on the phone with a friend, whom Mersha told she was feeling tired, before succumbing to carbon monoxide poisoning. Police found Mersha and her seven-year-old daughter, Rakeb Shalemu, dead. Mersha's husband and son were found unconscious and taken to the hospital.

A man in a rural community south of San Antonio was found dead inside his home, where he lived alone. He did not have electricity, and his home was 35 degrees when authorities found him.

In Abilene, a patient died at a medical facility because he was unable to get dialysis treatment. The facility's water supply, imperative for proper care of dialysis patients, was shut off. Abilene officials have stated that at least four people had died as a result of exposure to the cold temperatures. This includes a homeless man who died from exposure to the cold, a 60-year-old man who was found dead in his home, and an 86-year-old woman who was found frozen in her backyard by her daughter.

Each of these preventable deaths, and dozens more, are on the hands of the state government and its greedy corporate accomplices. For decades the government and power companies have worked to deregulate Texas' power grid in the pursuit of profit, at the expense of the working class. Corporations readily moved to Texas to exploit its lax regulation laws, cheap labor, and low electricity costs.

This conspiracy against the working class spawned last week's catastrophe, rather than natural causes. The fallout from Winter Storm Uri is an ongoing crisis. As of Monday morning, as many as 8.8 million people in Texas were still without access to safe water. Schools and many workplaces remain closed, starving workers

of income during the crisis. Renters and homeowners face costly water damage from burst pipes, and exorbitant electricity bills.

Power companies reaped an estimated \$40 billion in revenue amid last week's crisis. The fact that companies were allowed to bring in massive sums, at the expense of the safety and well-being of millions, is a scathing indictment of the capitalist system. Every last dollar these criminals took should be taken and utilized for recovery efforts. The companies should be expropriated and placed under public control to ensure the modernization of the power grid. Every politician and businessperson involved in the deregulation of Texas' power grid should be held accountable, including arrests and prosecution.

The latest social disaster to hit the US demonstrates once again the incompatibility of capitalism with the safeguarding of human life. The disaster in Texas is just an episode in the global class war against the working class. Under the watch of the various national ruling classes, almost 2.5 million people have died unnecessarily from COVID-19. The bourgeoisie has shown itself to be a block on the development of civilization and proven the necessity for the intervention of the international working class to reorganize society on a rational, scientific basis to meet the needs of all of humanity.



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