

# SOUTH CAROLINA Lawyers Weekly

## \$4.2M settlement for estate of woman killed by pest treatment

By: Heath Hamacher August 1, 2022

The estate of a woman who died after a thermal pest treatment was applied to her home has settled its wrongful death claim for \$4.2 million.

Attorneys for the estate of 63-year-old Sharon Brockington said that in August 2018, a Terminix Services technician applied a bed bug heat treatment to her small apartment and told her that she could reenter in two to four hours (consistent with chemical treatments) rather than the requisite 12 hours for heat treatments.

Brockington's landlord found her dead inside the apartment the following day.

"An autopsy revealed the cause of death was hyperthermia from exposure to extreme heat resulting in multi-organ failure," the attorneys wrote in an email to Lawyers Weekly. "Temperatures in the apartment were recorded at 109 degrees more than 20 hours after the heat treatment."

The attorneys argued that Brockington died when heat radiated back into the apartment overnight from excess heat energy from the treatment stored in the walls, subfloor, and infrastructure. They claimed that the technician was inadequately trained in deploying pest treatments and had insufficient knowledge of safety standards.

The plaintiffs also asserted a spoliation of evidence claim, claiming that the technician violated company policy by failing to record and preserve the apartment's temperatures during the heat treatment.

The attorneys noted that the case also featured a pharmacological issue of a patient taking medication that affected her ability to regulate body heat internally.

"Plaintiff ... was prepared to argue at trial that Defendants had a responsibility to inquire about the health status of a customer before deploying a thermal pest treatment into a residence," they wrote.

Martin Driggers Jr. of Hartsville represented the defendants. Driggers did not immediately respond to a request for comment.

Brockington left behind two adult children and nine grandchildren, her attorneys said.

### SETTLEMENT REPORT — WRONGFUL DEATH/SURVIVAL:

**Amount:** \$4.2 million

**Injuries alleged:** Death

**Case name:** *Makina Thomas and Estate of Sharon Brockington v. Terminix Services, Terminix International Company, Darlington County Independent Housing Corporation, Superior Management, and the South Carolina Department of Mental Health*

**Court:** *Darlington County Superior Court*

**Case No.:** 2020-CP-16-00693

**Judge:** *Michael Holt*

**Date of settlement:** May 4

**Attorneys for plaintiff:** *J. Michael Baxley, Douglas Jennings Jr., and Mason King of Douglas Jennings Law Firm in Bennettsville and George Jebaily of Florence*

**Attorney for defendant:** *Martin Driggers of Hartsville*