



Widows file lawsuit in refinery explosion

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WYNNEWOOD, OK -

Two women who lost their husbands in the Wynnewood oil refinery explosion are done searching for answer from the company. Nearly a year after their deaths, instead, they've filled a lawsuit. Fox 25's Kisha Henry shows us why they're taking their fight to court.

On September 28th, it will have been exactly one year since Kari Smith and LeeAnna Mann lost their husbands Billy and Russell. They say it's been a year of no answers and no accountability from [CVR Energy](#).

"I want them to be held accountable for what they did," says Kari Smith, a mother of four, who lost her husband Billy. She says CVR was negligent, playing Russian Roulette with her husband's life. "Billy was just an all-around awesome guy. Everyone loved Billy. There's probably not a single person that could say anything bad about him," she says, crying. "He was the most loving, caring man.... the best you could ever ask for. He took on my three kids like they were his own. He never once referred to them as his step-kids. They were just his kids," she

continues. Kari went on to have another child with Billy. He was only one-year-old when Billy died. "The questions won't stop with my kids. It will continue on years from now-- me having to explain to Rogan who his daddy was. You go from having a complete family to missing that one person that made the family whole," she says, crying again.

"Both companies failed, incredibly failed to protect the workplace by having a 1950's Wickes Boiler on the premises that had not been updated since 1970," says [Gary Riebschlager](#), the attorney for both Smith and Mann. He's filed one lawsuit on behalf of both women. It's a gross negligence case, asking for upwards of \$5-million. Riebschlager says Texas law will not allow him to state exactly how much.

Six months after the explosion at the Wynnewood Refinery, OSHA cited CVR Energy with 23 violations, including both serious and repeat offenses. "They could have done just a few things with these OSHA violations years ago and this probably never would have happened. The citations, a lot of them were five years old- repeats," says Kari. "I wouldn't be where I'm at now if they had just taken the responsibility and made a safe workplace," she says.

The lawsuit alleges that the boiler that killed Mann and Smith should have had a burner management system (BMS), which is a computer controlled lighting method, so the boiler could be lit safely from a distance. Instead, Smith and Mann lit the boiler manually. Riebschlager says the newer system would have required the company to upgrade their regulations, so they took the cheap way out and kept it as is. "Once they make an improvement to the unit, it takes them out of the old EPA and puts them into the current rules, which means that they would have to crack down on emission detection, toxins control testing, and would cost them a lot of money," he explains.

"The cost of putting a burner management system on this boiler would have cost them anywhere between \$300-thousand -- \$500-thousand. That's almost the (amount of the) OSHA fines. They could have shelled that out in the first place and I would still have my husband," says Kari.

Kari says workers who are still at the company are in danger, and she will do everything in her power to make sure no family ever has to go through what she has. "This can happen to you. There is a chance that it could happen to you.... and if by getting my story out there, if it pushes them to make things just a little safer, it will be well worth it," she says.

The Vice President of CVR Energy's Corporate Affairs, Angie Dasbach, released this response to Fox 25, "Our policy is not to discuss litigation. This accident was a tragedy, and our thoughts and prayers remain with Russell Mann's and Billy Smith's friends and loved ones. We also remain committed to operating a safe work environment."

Kari says it took the company four hours to notify her after her husband's death, and they have not been forth-coming in releasing reports and insurance dealings.

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