

Kroger v. Omaha Public Power District
Administratrix (P) v. Power company (D)
523 F.2d 161 (8th Cir. 1975).

NATURE OF CASE: Action to join a party to a lawsuit.

RULE OF LAW: [Rule of Law not stated in casebook excerpt.]

FACTS: James Kroger was accidentally electrocuted while working. He had been employed by Paxton & Vierling Steel Company. While helping to move a large steel tank by a crane with a 60-foot boom, the boom came close enough to high-tension lines, and an arc of electricity killed Kroger. Geraldine Kroger (P), administratrix of his estate, brought suit based on diversity jurisdiction for damages resulting from his wrongful death.

ISSUE: [Issue not stated in casebook excerpt.]

HOLDING AND DECISION: (Nangle, J.) [Holding and decision not stated in casebook excerpt.]

ANALYSIS: The thrust of this case seems to be that Omaha Public Power and the employer, Paxton & Vierling Steel Company, are to be joined as defendants, since it is possible that both are liable. But the editing of the excerpt leaves questions unanswered. See *Owen Equipment & Erection Co. v. Kroger*, *infra*.