

# Pipe Co. Exec Speaks To Corrosion Risk During Trial

By [Rachel Riley](#)

Law360 (June 6, 2023, 10:26 PM EDT) -- The head of a German pipe manufacturer told a Washington state jury on Tuesday he learned his company's piping could fail under a "cocktail" of pressure and temperature conditions in 2010, about a year before the product was installed in a Seattle jail.

King County has accused Aquatherm GmbH and its affiliates failing to warn of the corrosion risk before selling the county \$18 million worth of polypropylene green pipe for a 2011-12 replacement of a downtown Seattle jail's plumbing system, which began springing leaks soon after the installation.

Testifying in King County Superior Court, Aquatherm managing director Dirk Rosenberg said he first became aware of the issue when experts were trying to diagnose system failures that happened in Australia in 2009. One explanation was that the Aquatherm pipes were intermixed with copper parts that caused the plastic to deteriorate under specific operating conditions, including temperature and water flow velocity above a certain range. It was a unique situation, and the pipes had been improperly installed, too, Rosenberg said during questioning by the county's counsel.

"Once we had learned that a system failure had resulted from all of that — that was the first time in the history of the company that we had ever experienced anything of that nature," he testified.

King County, which encompasses Seattle, claims the German company and its American subsidiary promised the pipes would last 50 years in the jail's water distribution system despite knowing of the corrosion risk. The county used the pipes to replace the vast majority of the jail's original copper piping, then had to replace all 6 miles of Aquatherm pipe just a few years later because of the leaks and the risk of water damaging the jail's electronic security system.

[During opening arguments last month](#), Randall T. Thomsen of [Harrigan Leyh Farmer & Thomsen LLP](#), representing the county, urged the jury to award \$36 million in damages. That's twice the cost of the 2011-12 project, which is what the county anticipates it will have spent on the jail's plumbing by the end of the promised 50-year product lifespan.

Among the exhibits highlighted on Tuesday by co-counsel Ariel Martinez was a February 2010 report, in which an expert who reviewed the Australian leaks advised Aquatherm that systems containing the plastic piping should include no more than one meter of copper pipe "to minimize the probability" of copper dissolution.

In an April 2012 bulletin, Aquatherm GmbH released a bulletin about the issue, recommending that certain temperature and flow parameters be maintained in hot water systems that employ Aquatherm pipe alongside copper components.

Rosenberg testified that he never sent the bulletin directly to King County; however, he provided the information to Aquatherm Inc., then the company's Utah-based American partner, which would have passed it on to customers.

There are thousands of project sites around the world where Aquatherm green pipe has been successfully used in water systems containing copper, Rosenberg said.

"I need to emphasize that copper and Aquatherm pipe can in fact live with each other very well in harmony for a very long time," Rosenberg said. "Every installation in Europe is a mixed installation with no problem."

Anne Cohen of [Betts Patterson & Mines PS](#), representing the Aquatherm group of companies, argued during opening arguments that the county improperly installed the pipes and failed to maintain system conditions within the product's specified operation range, leading to the jail plumbing failures.

Rosenberg will testify again in the trial as a witness for Aquatherm's defense. The trial is expected to continue for several more weeks.

King County is represented by Randall T. Thomsen, Ariel Martinez, Timothy G. Leyh, Tyler L. Farmer and Erica R. Iverson of Harrigan Leyh Farmer & Thomsen LLP.

Aquatherm GmbH and its subsidiaries are represented by Anne Cohen and Sharlei C. Hsu of Betts Patterson & Mines PS and Gabriella Wagner and Sharon Ambrosia-Walt of [Wilson Smith Cochran Dickerson](#).

The case is King County v. Aquatherm GmbH et al., case number 19-2-07910-0, in King County Superior Court.

--Editing by Linda Voorhis.