

Widow sues for husband's lonely death

\$5.4M claim filed against employers BCE, Expertech

Francine Dubé
National Post

Wednesday, June 04, 2003

Nancy and John Cochran had been married for 23 years when he died of a heart attack in his New York hotel room in 1999.



(John) Cochran

It was not until towels began piling up outside his hotel room door beneath the do-not-disturb sign that someone decided to check on John Cochran, a 50-year-old Canadian on a work assignment in New York State.

It was a Saturday morning in November, 1999. Mr. Cochran had not reported to work since Monday. Staff at the Days Inn Hotel in Colonie, near the state capital of Albany, called police.

Mr. Cochran had died of a heart attack, and now his widow is suing BCE Inc. and Expertech Network Installation Inc., for \$5.4-million, claiming her husband's bosses failed to investigate his four-day absence from work or notify his family.

Nancy Cochran says she learned of her husband's death from the coroner's office in Albany. She thought it was a hoax. In a statement of claim filed in Ontario Superior Court, Mrs. Cochran says no one from the company called her until the day of her husband's funeral. They wanted his notebook computer back.

"There wasn't anything my husband wouldn't do for the company," Mrs. Cochran said in an interview from Peterborough, Ont., where she lives. "I expected more

from the company I guess, having given all those years and they knew that he would jump through hoops for them."

According to the statement of claim, Mr. Cochran began working for Bell Canada in 1975, reporting at various times throughout his career as a skilled technician to Bell Canada, Bell Network Installations and Expertech Network Installation Inc., a division responsible for Bell Canada's equipment installation and construction. He was earning about \$51,000 a year when he died.

Mrs. Cochran says she was also employed by BCE, most recently as a manager for operator services for Bell Canada, but took a buyout in February, 2000. One of their daughters was also employed at the time by Expertech, according to the statement of claim.

The lawyer representing BCE declined to comment on the lawsuit. In a statement of defence filed with the court, BCE Inc. and Expertech Network Installation Inc. say Mr. Cochran failed to report accurately the state of his health at the time, and failed to make arrangements with the hotel, co-workers, customers or family to ensure regular contact with him. It maintains that someone from the company did call Mrs. Cochran on the day it was discovered that her husband had died, and that there were many subsequent contacts between the Cochrans and representatives of Expertech, both in person and by phone.

It also states Mr. Cochran was never an employee of BCE and had taken a leave of absence from Expertech to perform the work in the United States, a position disputed by Wylita Clark, the lawyer representing the Cochran family.

"They haven't produced anything to show that he left them. His benefits continued, his pension continued, his union agreement continued, everything continued, so if they considered it some kind of corporate structural change, it certainly was not one that would have been known to Mr. Cochran," Ms. Clark said.

The Cochrans, married for 23 years, typically exchanged phone calls once a day or every other day when Mr. Cochran was away on assignment. Mrs. Cochran was in Toronto on business the week her husband died and the couple was not in regular contact during that time. She did not know he was not reporting for work.

According to the statement of claim, Mr. Cochran had arranged to conduct some line-testing with a colleague on Nov. 23, 1999, but never showed up.

"They never went looking for him," Mrs. Cochran said of her husband's employers. "One of the co-workers did call his cellphone. I feel that when he didn't report and nobody heard from him the next day, somebody should have

went looking for him. There really should have been a system in place to track their employees that are out of the country."

The suit names Jean C. Monty, chief executive officer of BCE Inc. at the time, as one of the defendants.

"In setting up the various divisions, subdivisions, departments and companies within the BCE family of companies, Monty failed to ensure that corporate policies and structures were in place to support its employees on international work assignments," according to the statement of claim.

Mrs. Cochran is seeking \$4-million in damages for wrongful death and punitive and aggravated damages of \$1-million, in addition to compensation for loss or non-payment of pension and medical benefits.

It was not until 2001 that Mrs. Cochran received any money from the company. She said she has been unable to work since the months following her husband's death, and before some of his benefits were paid, she depleted her RRSPs and savings by \$100,000.

The company maintains the delay in paying benefits was due to negligence on the part of Mrs. Cochran, who failed to submit the necessary documents in a timely fashion.

fdube@nationalpost.com

© Copyright 2003 National Post