

## March 2012 Newsletter

### **FEATURED CONSTRUCTION CASES**

This month we feature two construction accident cases we recently concluded. As you will see from the descriptions below, each accident occurred in a rather unique situation. In fact, many would not think these recoveries were possible under New York law. For many years we have been litigating claims brought under New York's worksite-safety statutes. We continually try to fit our clients' cases within the protection of the statutes. The two cases below illustrate those efforts.

#### **Injured Laborer Accepts \$3,175,000.00 After Being Hit by a Swinging Pipe**

Our client was part of a crew installing a large pipe. The pipe had to be moved next to the trench into which it would be placed. A backhoe was used to lift and transport the pipe. While the pipe was being lowered into place, it broke free and began swinging like a teeter-totter. It struck our client and knocked him to the ground. He sustained serious low back and ankle injuries. Multiple surgeries were required. In addition, his doctors determined that he could no longer return to work. He was a union laborer who had a very significant earning potential. Another interesting note about this case is that several lawyers had turned down the case before our involvement.

#### **Union Stagehand Accepts a Confidential Settlement for Injuries Incurred While Dismantling a Stage**

After a concert several years ago at a local venue, our client was part of the union stagehand crew assigned to the task of dismantling the stage. The stage was a very large and complex structure owned by the entertainer's production company. Our client was required to work on top of the stage and, at the appropriate time, needed to come down off the stage to the arena floor. The production company did not provide him with any ladders, stairways, ramps, scaffolds, or other devices so he — like his co-workers — simply jumped down. In doing so, he fractured his ankle. We proved that the production company's lack of safety device violated the Labor Law. The trial court ordered that the production company was responsible for the accident. This settlement came as a trial on the issue of appropriate monetary damages was about to occur.