

Verdicts & Settlements

Worker electrocuted in front of co-employees

\$2.1 million settlement

A 44-year-old divorced father of three adult children died instantly in a workplace accident when he came in contact with a high-voltage energy source.

The worker was operating tools with full knowledge of the close proximity of the energy source. The accident occurred in the presence of several co-employees, one of whom was designated as the person-in-charge, as well as a representative of the defendant company.

The plaintiffs claimed that the worker was acting in conformity with his employer's safety practices and that the co-worker was negligent in not taking affirmative steps to assure that the work crew performed the work safely.

The employee-in-charge filed a third-party claim based on contractual indemnity against the employer, alleging that the sole responsibility for safety on the job rested with the company, and that he had been told by the victim that there was no need for any safety steps to be taken by the representative.

The employee also claimed that his co-worker's negligent conduct was the sole cause of his accident, or at least the primary cause.

The plaintiffs alleged that the defendant was in de facto control of the relevant safety measures on the job and failed to take proper steps to assure the elimination of the electrocution hazard. The plaintiffs presented evidence establishing that applicable industry standards had been violated by the defendant and that the testimony of defense witnesses was contradictory and questionable.

Both liability and damages were contested in the case, with each side retaining multiple expert witnesses, including accident reconstructionists, biomechanical engineers and industry experts.

Following lengthy discovery and two mediation sessions, a settlement was



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achieved one month before the trial was to commence.

Action: Negligence & tort

Injuries alleged: Wrongful death, loss of consortium

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (mediated)

Amount: \$2.1 million

Date: Dec. 17, 2013

Attorneys: Douglas K. Sheff, Donald R. Grady and Stephen J. Chiasson, of Sheff Law, Boston (for the plaintiffs)