

COMPANY

Load of plywood falls on rdicts & Settlements

\$3.24 million verdict

as masons at the base of the shaft. load of plywood four stories down an elevator shaft onto three men working A framing subcontractor dropped a

er offer was made to resolve the othone of the plaintiffs and a much smallfore trial, when one offer was made to settlement offer was made until just betor and general contractor was clear, no Plaintiffs liability as to the subcontraccounsel claimed that al-

Plaintiffs' counsel opined that the smaller offer may have been based on years earlier. had suffered in a different accident five were substantially similar to those which included lower back disc bulges, injuries from which he was suffering, ing only one week of work and that the was able to return to work after missfact that the plaintiff in question

tained in the more recent incident loss of function to the injuries he sussician attributed a 5-percent total body However, the plaintiff's treating phy-

occurred seven years earlier. As with turn to work and his prior accident had facts, except that he was unable to remason may have been based on similar Plaintiffs' counsel theorized that the to present any offer to the other

> the other plaintiff, the treating physician attributed a 5-percent total body loss of function, as well as an inability to return to the masonry trade.

masons in elevator shaft

three years later. tor following his return to employment mason and only \$10 an hour as a janiity, as he was making \$30 an hour as a fered a significant loss of earning capac-That plaintiff also claimed that he suf-

continuing disability was due to his ear-The defendants contended that any

lier injury

and gave way when the subcontractor manufacturer were incorrectly fastened used to bundle the plywood by the wood. They claimed that the only reaagainst the manufacturer plaint as well as a third-party complaint defendants filed answers to the comal contractor and subcontractor. lowered the load to the roof. The suit was filed against the generwood fell was that the of the The

main focus on the liability of the genertheir complaints to name the third parsupport their claims. ing the services of an expert witness to al contractor and subcontractor, utiliz-The plaintiffs direct defendants, but kept their eventually amended

to a settlement, their offer represented dants eventually offered to contribute Although the third-party defen-

solving the claims. offer and was not sufficient toward re-"cost-of-defense" type of

accident, the jury found the plaintiffs' the defendants repeatedly refused to acdamages to be significant and the cept any responsibility for causing the After a three-week trial during which

negligence was a significant contribof earning capacity claim to be valid.

They also found that the defendants' the accident. uting cause of those damages and that the third-party defendant was in no responsible for having

Action: Negligence & tort

earning capacity Injuries alleged: Back injury, loss of

Co. Inc., et al. Case name: Costa, et al. v. J.K. Scanlan

Court, Nos. 07-782, 07-3725 and 07-Court/case no.: Middlesex Superior

Jury and/or judge: Jury/Thomas P.

Amount: \$3.24 million

Date: December 2010

Providence, R.I. (for the plaintiffs) Katy Hynes, Adler, Pollock & Sheehan, Law Offices, Boston; Todd White and Attorneys: Adam H. Becker, Sheff