

## **\$1.5 MILLION FOR CARPENTER INJURED ON HIGH RISE CONSTRUCTION PROJECT**

Lisa M. Longo and James J. Morici, Jr. resolved a matter pending in the Circuit Court of Cook County in the amount of \$1.5 million on behalf of an injured carpenter. The tradesman was hurt in November 2014 on a downtown construction project when he fell while climbing a steel reinforced concrete form due to insufficient fall protection. The lawsuit was brought against the general contractor as a result of their failure to comply with construction documents regarding their superintendence of safety on the job. Men were required to climb the nearly vertical formwork at heights in excess of 16 feet without the proper tethering of fall protection. The forms into which uncured concrete would be poured, were covered with a release agent making them somewhat slippery. The general contractor had authority on the site to stop the work for unsafe work conditions and was required to appoint one of their team to be responsible for the prevention of accidents. The general contractor failed to live up to their responsibilities by not requiring that adequate fall arrest systems to which men could attach their protective body harnesses.

On the date of the incident, the Plaintiff was required to climb freely approximately 16 feet to the location of the nearest fall arrest device. An expert in construction site safety retained by the Plaintiff was prepared to testify that the Defendant failed to provide safe fall protection by not requiring that the fall arrest components be tethered at floor level in order for the workers to hook on to them before ascending the form. During the course of climbing the form, the worker's positioning hook gave way and he was caused to fall approximately nine feet onto his back.

As a result of the fall, the worker sustained two compression fractures to his thoracic spine which healed within approximately four months. Unfortunately, he continued to have back pain, in a non-anatomic distribution which his doctors testified may have been as a result of the fall. The Defendant and its retained experts blamed the Plaintiff for failing to attach his protective safety device and for not reporting the unsafe condition. In addition, a neurosurgeon hired by the Defendants testified that the injured worker should have been pain free and able to return back to work approximately four months post occurrence.

In addition to the \$1.5 million paid by the Defendants, a workers compensation lien of approximately \$400,000 was waived and the Plaintiff's employer was required to establish a medical savings account to provide for future pain management services that might be required by the worker.

Mr. Morici and Ms. Longo were set to embark on the three week trial when the Defendants substantially increased their settlement offers allowing the case to be resolved. This matter is one in a long line of victories for our firm and Mr. Morici and Ms. Longo in representing injured construction workers throughout Chicago, Cook County and the Midwest. If you, your friends, family or co-workers are injured in an incident at work, on the highways or due to a dangerous product, please do not hesitate to call our team at Morici, Longo & Associates.