

PLAINTIFF'S ATTORNEYS:

Attorney of Record.....

Kenneth A. Wilhelm

FACTS: 52 year old plaintiff was descending from a parapet roof to a scaffold, from which outriggers and two of three planks had been removed. Plaintiff hung and dropped a short distance onto the single remaining plank, which broke—propelling him to the ground below. Plaintiff sued the supplier of the planks for common law negligence, and his employer under Labor Law §§ 240[1], 241[6] and 200.

INJURIES: Plaintiff sustained a fractured hip treated with open reduction and internal fixation; a compression fracture of L2; and a comminuted fracture of the distal radius and ulna. Plaintiff claimed he was permanently disabled from the type of work he previously performed, though he was still able to perform other types of sedentary work. Plaintiff, who has a 10th grade education, had worked as a construction worker/mason during his entire 40-year career.

SETTLEMENT: After jury selection, the case was settled for the total amount of \$1.7 million plus waiver of a \$175,000 Workers' Comp lien.