



Construction

Worker's 20-foot fall caused fractures of elbow, wrist

Verdict: (P) \$2,433,500.00

Case Type: Labor Law, Construction - Accidents, Slips, Trips & Falls - Fall from Height

Case: Kerwin Park v. The City of New York, East 8th Street Equities, Inc., Artimus Construction Co. Inc., Philip Smith, Individ. & d/b/a Smith Construction, and Smith Construction, Individ., No. 122075/01

Venue: New York Supreme, NY

Judge: Nicholas Figueroa

Date: 04-01-2008

PLAINTIFF(S)

Attorney:

- Rory M. Shectman; Law Offices of Kenneth A. Wilhelm; New York, NY, for Kerwin Park

Expert:

- Leonard Harrison Jr.; Orthopedic Surgery; New York, NY called by: Rory Shectman

DEFENDANT(S)

Attorney:

- None reported; null, null, for Philip Smith, Smith Construction
- Saadia C. Luzzi; Assistant Corporation Counsel, Michael A. Cardozo, Corporation Counsel; New York, NY, for City of New York
- Steven M. Distler; Epstein, Harms & McDonald; New York, NY, for Artimus Construction Co. Inc., East 8th Street Equities Inc.

Expert:

- Robert Israel M.D.; Orthopedics; New York, NY called by: Steven Distler

Insurer:

- Nationwide Mutual Insurance Co. for Artimus Construction

Facts:

On Sept. 7, 2000, plaintiff Kerwin Park, 37, a construction worker, was a member of a crew that was renovating a residential building that was located at the intersection of St. Nicholas Avenue and West 119th Street, in Manhattan. During the course of the day, Park entered the structure's first floor. The floor's surface included a series of planks that had been placed across the beams of the basement. One plank collapsed beneath Park's feet, and Park plummeted a distance of about 20 feet. He sustained injuries of an elbow and a wrist.

Park sued the premises' owner, the city of New York; the project's general contractor, Artimus Construction Co.; a company that shared Artimus Construction's principal officers, East 8th Street Equities Inc.; another contractor who was alleged to have been involved in the renovation, Philip Smith; and Smith's company, Smith Construction. Park alleged that the defendants violated the labor law.

Smith and Smith Construction defaulted. The matter proceeded against the remaining defendants.

