

Apprentice framer plummets to death at construction site

\$16 million settlement

Published: March 2, 2024

The plaintiff apprentice framer who was not tied off fell from an unprotected edge while working at a construction project in East Boston. He suffered fatal injuries.

Discovery proved that the mid-tier subcontractor hired by the defendant general contractor repeatedly violated safety rules on the project, consistently exposing employees to fall hazards for weeks. The general contractor violated its contractual obligations by allowing the subs to violate the safety policies and by failing to utilize its powers under its graduated discipline policy.

Late discovery revealed, and trial testimony confirmed, that the outside safety consultant had warned the defendant general contractor that the workers onsite were not trained. The general contractor was advised to shut down the project before someone was hurt. The plaintiff's decedent died six days later.

The defendant's vice president testified that the defendant did not know the sub's workers were not properly trained and denied that the safety consultant had issued the warning.

The defendant also had a rule requiring every worker on site to have an OSHA 10 card, but the decedent had been allowed to work on the project for almost three months without one. He was scheduled to attend a Spanish language OSHA 10 training three days after his death.

Evidence at trial indicated that the defendant had earned approximately \$90 million in revenue in the years before the incident, although the defendant's president claimed that resulted in only \$150,000 in net profits.

The plaintiff previously settled with the subcontractors for \$12 million. The total combined settlement for the family was \$28 million.

The case settled after eight days of trial, prior to closing statements.

Action: Negligence and tort

Injuries alleged: Death

Case name: Withheld

Court/case no.: Withheld

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

Amount: \$16 million

Special damages: Lost future earnings, \$2.7 million; punitive damages unlimited

Most helpful experts: Todd Goldberg, Northstar Litigation Technologies, Roseland, New Jersey, media management and consulting; Total Trial Solutions, Boston, focus groups; Steven High, High Environmental Consulting

Date: Dec. 3, 2023

Attorneys: Richard J. Sullivan and Thomas P. Kelley, of Sullivan & Sullivan, Wellesley Hills; Jeffrey

Steinberg of Law Office of Jeffrey Steinberg, Framingham; John T. Martin of Keches Law Group, Worcester (for the plaintiff)

Detailed Information

Type: Settlement
Total Value: \$16,000,000.00
Verdict/Settlement Date: 12/3/2023
Type of Action: Negligence & Tort
Court: Confidential
Case Number: Confidential
Caption: *Confidential v. Confidential*
Plaintiff(s) v. Defendants(s)
Confidential Confidential
Injuries Alleged: Death
Special Damages: Lost future earnings, \$2.7 million; punitive damages unlimited
Tried Before: Not Applicable
Judge or Mediator or Arbitrator: Not Specified

Attorney(s) for Plaintiff(s)

Lead Attorney: Richard J. Sullivan
Firm: Sullivan & Sullivan (Wellesley Hills, Massachusetts)

Other Attorney: Thomas P. Kelley
Firm: Sullivan & Sullivan (Wellesley Hills, Massachusetts)

Other Attorney: Jeffrey Steinberg
Firm: Law Office of Jeffrey Steinberg (Framingham, Massachusetts)

Other Attorney: John T. Martin
Firm: Keches Law Group (Worcester, Massachusetts)

Attorney(s) for Defendant(s)

No defendant attorneys

Insurance Carrier(s)

No insurance companies involved

Plaintiff(s) Expert(s)

Expert: Todd Goldberg
Title:
Specialty: Other (Media management and consulting)
Company/Institution: Northstar Litigation Technologies
City/State: Roseland, New Jersey

Expert: Total Trial Solutions Total Trial Solutions
Title:
Specialty: Other (Focus groups)
Company/Institution: Total Trial Solutions
City/State: Boston, Massachusetts

Expert: Steven High
Title:
Specialty: Accident Reconstruction
Company/Institution: High Environmental Consulting
City/State:

Defendant(s) Expert(s)
No defendant experts