

Fall from defective scaffold results in brain injury

\$10 million settlement

Published: October 7, 2022

A 20-year-old union laborer fell from a defective scaffold and suffered a traumatic brain injury when he landed on the ground 18 feet below.

With just six months in the union and as a construction worker overall, the plaintiff lacked training and supervision. The scaffold lacked any reasonably safe access point, requiring the plaintiff to attempt to climb up the side to reach the upper levels to perform his work.

Plaintiff's counsel were able to show that there had been numerous scaffold and fall protection safety violations committed by the plaintiff's employer during the course of the project leading up to the accident.

The defendant general contractor failed to enforce its own policies and contractual obligations for safety against the subcontractor. The evidence showed that the defendant failed to perform a single inspection of the subcontractor's work during the three weeks leading to the incident, despite the repeated violations.

The plaintiff's brain injury resulted in ongoing disability, including an inability to recognize his own liabilities on a consistent basis. As a young man with an infant daughter, the plaintiff was unable to provide the type of care and life for his child that he previously could as a well-compensated union laborer.

Action: Negligence and tort

Injuries alleged: Traumatic brain injury

Case name: Withheld

Court/case no.: Withheld

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

Name of mediator: William Mulvey

Most helpful experts: Todd Goldberg of Northstar Litigation Technologies, Roseland, New Jersey (media management and consulting); Steve High of High Environmental Solutions (construction liability)

Amount: \$10 million

Special damages: \$5.5 million, lost future earnings; \$800,000, medical bills

Date: April 19, 2022

Attorneys: Richard J. Sullivan and Thomas P. Kelley, of Sullivan & Sullivan, Wellesley; John Donovan of Sloane & Walsh, Boston; John T. Carroll of Law Offices of John T. Carroll, Warwick, Rhode Island (for the plaintiff)

Detailed Information

Type: Settlement
Total Value: \$10,000,000.00
Verdict/Settlement Date: 4/19/2022
Type of Action: Negligence & Tort
Court: Confidential
Case Number: Confidential
Caption: *Confidential v. Confidential*
Plaintiff(s) v. Defendants(s)
Confidential Confidential
Injuries Alleged: Head, brain, neck
Injuries Detail: Traumatic brain injury
Special Damages: \$5.5 million, lost future earnings; \$800,000, medical bills
Tried Before: Mediation
Judge or Mediator or Arbitrator: Other (Mediator William Mulvey)

Attorney(s) for Plaintiff(s)

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

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

Other Attorney: John Donovan
Firm: Sloane & Walsh (Boston, Massachusetts)

Other Attorney: John T. Carroll
Firm: Law Offices of John T. Carroll (Warwick, Rhode Island)

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: Steve High

Title:

Specialty: Other (Construction liability)

Company/Institution: High Environmental Solutions

City/State:

Defendant(s) Expert(s)

No defendant experts