

Laborer falls two stories through hole in floor

\$6.05 million settlement

Published: April 19, 2024

A 52-year-old construction laborer fell two stories when a flimsy piece of wood that was covering a floor hole opening broke. He fell to the floor below, crashed through another piece of wood covering another hole, and landed on the ground floor.

The plaintiff laborer was dropped off at the hospital, where he was diagnosed with a compression fracture that required surgical repair.

The plaintiff brought counts of negligence against the contractor who pulled the building permit for the project, and counts for negligence and strict liability against the family of the individuals who employed him on the project for failing to secure workers' compensation insurance.

Plaintiff's counsel were able to secure separate settlements with the general contractor and uninsured employer totaling \$6.05 million after extensive discovery.

Action: Negligence and tort

Injuries alleged: Broken back requiring T12-L2 posterolateral fusion, arthrodesis, L4-L5 laminectomy

Case name: Withheld

Court/case no.: Withheld

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

Name of mediator: John Ryan of Sloane & Walsh, Boston

Amount: \$6.05 million

Special damages: \$170,000, medical bills; approximately \$1.26 million, total lost-earning capacity

Most helpful expert: Dr. David Morley, orthopedic surgeon, Chelmsford

Date: Nov. 29, 2023

Attorneys: Richard J. Sullivan and Robert P. Turner, of Sullivan & Sullivan, Wellesley Hills (for the plaintiff)

Detailed Information

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|---------------------------------|---|
| Type: | Mediation |
| Total Value: | \$6,050,000.00 |
| Verdict/Settlement Date: | 11/29/2023 |
| Type of Action: | Negligence & Tort |
| Court: | Confidential |
| Case Number: | Confidential |
| Caption: | <i>Confidential v. Confidential</i> Plaintiff(s) v. Defendants(s) |

Confidential Confidential

Injuries Alleged: Back, spine
Injuries Detail: Broken back requiring T12-L2 posterolateral fusion, arthrodesis, L4-L5 laminectomy
Special Damages: \$170,000, medical bills; approximately \$1.26 million, total lost-earning capacity
Tried Before: Mediation
Judge or Mediator or Arbitrator: John Ryan

Attorney(s) for Plaintiff(s)

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

Other Attorney: Robert P. Turner
Firm: Sullivan & Sullivan (Wellesley Hills, Massachusetts)

Attorney(s) for Defendant(s)

No defendant attorneys

Insurance Carrier(s)

No insurance companies involved

Plaintiff(s) Expert(s)

Expert: Dr. David Morley
Title:
Specialty: Medical - Surgical Specialties (Orthopedic surgeon)
Company/Institution:
City/State: Chelmsford, Massachusetts

Defendant(s) Expert(s)

No defendant experts