

Temp worker killed when other forklift operator hits him

\$6 million settlement

Published: February 17, 2023

A 58-year-old temporary forklift operator was killed when another forklift, operated by a permanent employee at the warehouse where he was placed by a temporary staffing agency, struck him.

The defendant's full-time operator negligently operated the forklift by lowering the load and moving the vehicle at the same time without either checking if anyone was in the blind spot or signaling with his horn.

The evidence showed that the defendant's full-time operator was not properly trained or supervised at the time of the incident. The warehouse supervisor had left the facility without ensuring that anyone would cover for him.

The warehouse manager also testified that although the quota system that had previously been in place for years was discontinued because no one could keep up with it, management never bothered to inform the operators about the change.

The statements given to the police immediately after the incident demonstrated that the full-time employee who caused the incident believed he was still being held to the standards that had been in place during the quota system.

The decedent had no children and was never married, but the evidence showed that he lived with and took care of his elderly and infirm parents for many years. He was a temporary worker making \$15 an hour.

Action: Negligence and tort

Injuries alleged: Death caused by multiple blunt trauma

Case name: Withheld

Court/case no.: Withheld

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

Name of mediator: retired Judge Christopher J. Muse, Commonwealth Mediation

Amount: \$6 million

Most helpful experts: Todd Goldberg, Northstar Litigation Technologies, Roseland, New Jersey (media management and consulting); Mark Lebovits, M.D., Independent Evaluations (medical review to support pain and suffering); Ed Beard, Ryan Forensics, Hot Springs, Arkansas (forklift and warehouse safety)

Date: Sept. 7, 2022

Attorneys: Richard J. Sullivan, Mark D. Sullivan and Thomas P. Kelley, of Sullivan & Sullivan, Wellesley (for the plaintiff)

Detailed Information

Type: Mediation
Total Value: \$6,000,000.00
Verdict/Settlement Date: 9/7/2022
Type of Action: Negligence & Tort
Court: Confidential
Case Number: Confidential
Caption: *Confidential v. Confidential*
Plaintiff(s) v. **Defendants(s)**
Confidential Confidential
Injuries Alleged: Death
Injuries Detail: Death caused by multiple blunt trauma
Tried Before: Mediation
Judge or Mediator or Arbitrator: Christopher J. Muse

Attorney(s) for Plaintiff(s)

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

Other Attorney: Mark D. Sullivan
Firm: Sullivan & Sullivan (Wellesley, Massachusetts)

Other Attorney: Thomas P. Kelley
Firm: Sullivan & Sullivan (Wellesley, 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: Mark Lebovits
Title: M.D.
Specialty: Medical - Internal medicine (Medical review to support pain and suffering)
Company/Institution: Independent Evaluations
City/State:

Expert: Ed Beard

Title:

Specialty:

Other (Forklift and warehouse safety)

Company/Institution:

Ryan Forensics

City/State:

Hot Springs, Arkansas

Defendant(s) Expert(s)

No defendant experts