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Publication: Wisconsin Verdicts and Settlements Published: 5/8/2009

**(17WI 8/4) NOT A FALL WE'D LIKE TO TAKE: MULTIPLE
SERIOUS FRACTURES INCURRED BY CONSTRUCTION WORKER
AFTER LADDER ACCIDENT(6) 05CV-8981**

Settlement: \$1,350,000 SETTLEMENT (WI, Milwaukee 1st Jud Dist)

Pltf Atty(s): Paul Sceptur of Aiken & Sceptur (Milwaukee, WI)

Deft Atty(s): Christine Nelson of Nelson, Connell, Conrad, Tallmadge & Slein (Waukesha, WI) for both defts

Plaintiff was forty-six years old and worked as a construction site supervisor for the Mark Eberhardt Contracting Company. That company was the general contractor on a project building a new Supercuts store in Hales Corners in July of 2003, and as such was responsible for overseeing the HVAC work needed on the project. The HVAC subcontractor retained by the plaintiff's company was a concern named Don Jacobs Heating and Air Conditioning, but that concern then seems to have further contracted out some or all of this work to a concern named Diversified Heating and Air Conditioning. On the day in question the plaintiff seems to have said that he saw or knew that a Diversified employee had gone up onto the roof of the project via a ladder leaning against an outside wall and so he attempted to follow so as to speak to that employee. At some point then in doing so either the ladder fell out from under him or the plaintiff fell off the ladder (apparently no one knew for sure) and as best as we can make out the plaintiff said that the ladder had been negligently anchored by Diversified employees, and even then had been improperly placed per OSHA standards in that its top did not extend a reasonable length above the roofline so that any slippage would have still allowed its top to hang onto the roof and prevent its collapse to the ground. The defense noted that the plaintiff had been around construction projects and ladders for some thirty years or more, yet he chose to climb that ladder without knowing who owned it or who placed it, and with the physics of its placement being open and obvious to anyone who looked. Here are the plaintiff's injuries as the plaintiff described them: A fractured left sacrum; dual pelvic fractures; extensive comminuted displaced distal left radial fracture; a displaced ulnar styloid fracture; a burst fracture of his L1 vertebra and transverse process fractures of L1-L5; a fractured left sacral ala (the alas being the "wings" of the sacrum); a small kidney contusion and laceration; and a fractured left T12 rib. Among other surgeries we understand that the plaintiff underwent some significant spinal operation(s). The plaintiff claimed past medicals in the sum of \$630,885 and said that his futures would run between \$70,000 and \$101,000. We don't know what his past wage losses were by the time this matter settled, but in essence we suspect that with his claim that the accident instantly caused him to become permanently and totally disabled and that the value of same amounted to \$1,506,709, the former estimate was just rolled into the latter. In any event the question of the plaintiff's future disability did nevertheless seem to be the subject of considerable dispute. Our understanding is that this matter ultimately settled for the sum of \$1,350,000, with \$1,250,000 of same coming from Diversified and its carrier, and \$100,000 coming from the Don Jacobs's firm and its carrier, which had been brought in as third-party defendants by Diversified. We also understand that the plaintiff had collected about \$525,000 from his workers' compensation carrier before this case settled, but that it accepted a significant reduction off this interest to facilitate this settlement.



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Publication: Settlements by Category Published: 6/27/2008

(SZZ j/22) (6) 02L-7740

Settlement: \$2,750,000 (IL Cook-Law)

Pltf Atty(s): Daniel V. O'Connor of Anesi, Ozmon, Rodin, Novak & Kohen

February 27, 2002 M-26's ladder wasn't tied off and had been placed when the ground was frozen at Cermak and Federal construction site, causing him to fall 12 to 15 feet onto cinder blocks when one side of the ladder sunk into the thawed ground and tipped over. Pltf suffered right femur fracture with rod placement, right radial fracture, right knee arthroscopy, carpal tunnel syndrome and compartment syndrome (\$244,000 medl., \$540,000 past LT as ironworker). TIG paid \$1,000,000 and excess carrier Royal Insurance paid \$1,750,000 on behalf of Bovis Lend Lease. Workers' comp claim also waived.

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Publication: Settlements by Category Published: 4/6/2007

(SYY g/8) (6) 03L-2058

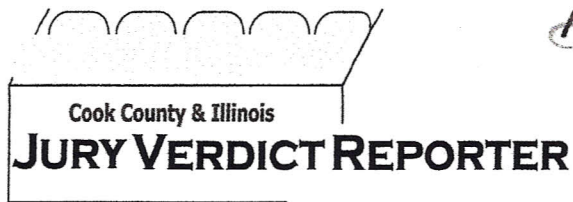
Settlement: \$5,025,000 (IL Cook-Law)

Pltf Atty(s): David C. Wise of Burke, Mahoney & Wise

January 28, 2003 M-37, an electrician employed by deft Cook-Lavelle, was performing work at deft Rizza Chevrolet in Bridgeview when his unsecured ladder slid off the wall causing pltf to fall 12-15 feet (wrist and ankle fractures which required fusions, \$211,771 med. expense, \$1,000,000 LT). Cincinnati Insurance paid \$2,500,000 on behalf of TMG Construction; West Bend paid \$1,000,000 and Crum & Forster paid \$1,000,000 on behalf of Gallant Construction; Accident Fund paid \$500,000 on behalf of Cook-LaVelle; and TIG paid \$25,000 on behalf of Rizza Chevrolet.

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Publication: Settlements by Category Published: 3/11/2005

(SWW f/16) (6) 03L-14249

Settlement: \$550,000 (IL Cook-Law)

Pltf Atty(s): Thomas A. Morrissey (LaGrange)

Sept. 14, 2000 M-40 HVAC worker fell 25-ft. from an allegedly unsafe ladder, suffering thoracic fractures, a broken clavicle with internal bleeding, and an embolism (\$100,000 medl.; \$13,000 LT). Paid: \$500,000 Fireman's Fund; \$50,000 Chubb.

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