

Construction worker on scaffolding falls 40 feet

\$525,000 settlement

On Nov. 22, 2010, the plaintiff construction worker, who was removing stone lintels above windows on a Boston condominium, fell approximately 40 feet from a scaffolding platform. He was not wearing a safety harness belt at the time.

The fall caused a fractured fibula and MCL/ACL tear, and exacerbated a pre-existing back injury. He underwent knee surgery.

The plaintiff began walking without assistance following surgery and physical therapy, but suffers a slight limp.

The plaintiff alleged that the co-defendant general contractor failed to provide a sufficient amount of safety harnesses on the date of the accident, and that in order to work that day, he had no choice but to ascend the scaffolding.

The general contractor and co-defendant scaffolding company contested their liability, alleging that sufficient safety harnesses were present on the date of the accident and that the plaintiff was negligent in failing to wear one.

The general contractor also argued that it provided safety manuals to all workers on the site regarding the safe use of scaffolding, including the use of safety harnesses.

In addition, the parties contested whether the general contractor and scaffolding company installed sufficient safety features on the scaffolding, including a toe board and end guard rail, designed to prevent falls.

Both defendants contributed to the settlement.



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Action: Negligence and tort

Injuries alleged: Fractured fibula, multiple tears of knee ligaments

Case name: Withheld

Court/case no.: Withheld

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

Amount: \$525,000

Date: May 2, 2016

Attorneys: Jeffrey N. Catalano and Eric Asquith, of Todd & Weld, Boston (for the plaintiff)



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