

## Worker crushed to death while installing pollution control equipment

### \$1.5 million settlement

On May 1, 2018, a 42-year-old worker was crushed to death while installing air pollution control equipment in a confined space at a Massachusetts factory.

The equipment was a 12-foot-diameter wheel that weighed over 1,000 pounds when fully assembled. It came in two halves that, when connected, rotated around a center axel or hub.

Once inside the confined space, the worker removed the wood blocks that were propping up half of the wheel while it was suspended by a sling from above by a forklift. The half-wheel then swung toward the worker, crushing him against the inside of the metal housing unit, nearly amputating his left arm and causing multiple fractures.

Emergency rescue efforts were delayed because the EMTs had to maneuver around piping in the confined space. After suffering massive bleeding, the worker died of a cardiac arrest approximately 40 minutes following the accident.

The plaintiff alleged that the defendant factory and the general contractor deviated from manufacturer instructions when they assembled the wheel inside the confined space and used wood blocks to prop up half the wheel. Also contrary to manufacturer instructions, a forklift instead of a crane was

used to hoist the wheel into the housing unit, creating further instability and danger.

The general contractor failed to have an attendant and entry supervisor at the entrance to the space to prevent the decedent from entering.

The plaintiff also alleged that the defendant factory failed to have a rescue plan, which delayed the ability of emergency responders to get to the worker and to remove him to stop the bleeding in time and save his life.

The defendants contested liability, claiming that the deceased worker knew he was not permitted to enter the confined space. Moreover, the autopsy toxicology report revealed that the decedent had very elevated levels of cannabis in his system.

The decedent was unmarried with one adult son at the time of death.

The settlement was reached following a 12-hour remote mediation conducted via Zoom.

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**Action:** Negligence and tort

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**Injuries alleged:** Pain and suffering, death, loss of consortium

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**Case name:** Withheld

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**Court/case no.:** Withheld

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

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**Amount:** \$1.5 million

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**Date:** June 2020

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**Attorneys:** Jeffrey N. Catalano, Christine R.

Thompson, Todd & Weld, Boston (for the plaintiff)

