

MASSACHUSETTS Lawyers Weekly

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VERDICTS & SETTLEMENTS

Construction worker falls when stair tower collapses

\$5.3 MILLION SETTLEMENT



Robert I. Feinberg

The plaintiff was a 44-year-old construction worker who was walking down a temporary stair tower when a portion of the tower suddenly collapsed, causing the worker to fall 20 feet.

The cause of the accident was a broken hook on one of the stair stringers. The hook was defectively designed; the ratio of the bend radius to the steel thickness was half of what was suggested by the relevant provision of the ASTM.

In the course of discovery, records were ultimately produced that showed numerous other failures of the design. By the time of the accident, the manufacturer had stopped selling that type of design.

The steel erector was the other defendant in its capacity as lessor of the product.

The plaintiff suffered an L1 burst fracture with retropulsion into the

spinal canal and loss of height of T6, T7 and T8 vertebral bodies, requiring decompression and fusion as well as repair of an avulsion nerve root.

Action: Products liability

Injuries alleged: L1 burst fracture with retropulsion into spinal canal and loss of height of T6, T7 and T8 vertebral bodies

Case name: Withheld

Court/case no.: Withheld

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

Amount: \$5.3 million

Special damages: \$208,460, medical bills; \$2,414,308, loss of earning capacity

Most helpful expert: MIT Professor Thomas Eagar, metallurgist

Date: Oct. 1, 2022

Attorneys: Robert I. Feinberg, John B. Johnson and Rhonda Maloney, of Feinberg & Alban, Boston (for the plaintiff)