

MASSACHUSETTS Lawyers Weekly

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VERDICTS & SETTLEMENTS

Construction worker falls from steel beam, drops 13 feet

\$1.75 MILLION SETTLEMENT

The plaintiff was doing iron work when he fell from a steel beam 13 feet above ground.

OSHA investigated and found that even though the plaintiff was not tied off or provided any other fall protection, there was no violation, as OSHA relied on its regulation calling for protection only at 15 feet or above.

The plaintiff was using a rope to elevate laminates when he fell. The plaintiff's experts opined that machinery was the proper method to elevate the laminates, especially given the dimensions and weight of the particular batch of laminates; that proper inquiry was not made by the general contractor of the worker's lack of training; that the steel erection subcontractor was not sufficiently

experienced to do the type of work at hand; and that the general contractor failed to perform proper oversight despite its contractual commitment to the developer to do so.

Plaintiff's counsel contended that the OSHA findings of no violation were not admissible.

Action:

Negligence and tort

Injuries alleged:

Burst fracture of L3 vertebral body resulting in disc excision at L2-L3 and L3-L4, L3 vertebral corpectomy, fusion at L2-4

Case name: Withheld

Court/case no.: Withheld



Robert I. Feinberg



Perry Feinberg

Jury and/or judge:

N/A (settled)

Amount: \$1.75 million

Special damages: \$267,304, medical bills; \$592,247, projected loss of earning capacity

Date: June 1, 2024

Attorneys: Robert I. Feinberg and Perry Feinberg, of Feinberg & Alban, Boston (for the plaintiff)