

MASSACHUSETTS Lawyers Weekly

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VERDICTS & SETTLEMENTS

Plywood door covering falls on construction worker \$790,000 SETTLEMENT

The plaintiff was dry blasting at a small construction site where a severe fire had occurred. The plaintiff alleged that the general contractor allowed a plywood covering on a second-floor door frame to become unsecured and fall on him.

Extensive discovery was necessary because the plaintiff did not retain counsel until two and a half years after the accident.

Photos of the door led the plaintiff's experts to opine that whoever affixed the door (not necessarily the general contractor) used the wrong nails and inserted them from the wrong direction.

The general contractor's representative on the site admitted that he never inspected the door or how it was affixed. admissible.

The plaintiff suffered what was thought to be a shoulder injury. He did not seek medical treatment until five weeks after the incident. In the course of the treatment, a physical therapist determined that the problem was cervical in origin, and the plaintiff ultimately underwent cervical fusion two years post-accident.

Action: Negligence and tort

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A

Injuries alleged: Cervical issues requiring cervical fusion

Amount: \$790,000



Robert I. Feinberg



Perry Feinberg

Special damages:

\$160,374.27, medical bills;
\$18,144.00, loss wages;
\$213,750.37, workers' compensation lien

Most helpful expert:

Frederic J. Gerges, M.D.,
anesthesiologist, Boston

Date: Feb. 1, 2024

Attorneys:

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