

\$300,000 Settlement for Construction Site Injury

Denville, NJ

Christopher L. Musmanno, Esq., Chair of the Personal Injury Department and Certified Civil Trial Attorney with the law firm of Einhorn, Barbarito, Frost & Botwinick, PC, Denville, NJ, announces a \$300,000 settlement for injuries sustained on a construction site. On or about February 11, 2013, the plaintiff entered into a contract with the defendant, a limited liability company in the business of constructing multi-family dwellings, to erect a certain two family modular home, located in Beach Haven, New Jersey ("the premises"). The work to be performed under the contract by the defendant was to be completed in a workman like manner and in accordance with all building codes, plans and specifications. The contract also consisted of, among other things, an agreement between the parties wherein the plaintiff would solely perform the on-site plumbing work, providing all plumbing connections and fixtures to the premises, both in light of his status as a lifelong licensed plumber and his intention to ultimately reside within one half of the modular home upon completion. During the course of construction, as is typical, temporary steps were outfitted and secured to the east-side of the premises which permitted various subcontractors like the plaintiff, access from the garage/basement level to the first floor level. These temporary steps were comprised of approximately two sets of five steps, bisected by a landing. In other words, the temporary steps were arranged such that there were five steps leading from the ground to a landing (hereinafter, "bottom set") and then five additional steps from the landing to the first floor level doorway (hereinafter, "top set").

The plaintiff presented to the premises on October 3, 2013 at 12:00 p.m. to perform plumbing work as a subcontractor. Upon stepping down on the first step of the top set, the bottom of the unsecured leaning permanent steps kicked out, causing him to fall approximately nine feet to the underlying concrete garage basement floor. He was subsequently found on the garage basement floor by two employees of the electrical subcontractor. These two employees each confirmed based upon their observations that the permanent steps were unsecured and were laying on the ground as was the plaintiff when they found him.

As a result of injuries sustained during the fall, the plaintiff walks with a permanent limp and has extensive permanent scarring and disfigurement at the surgical sites on his right leg. With the assistance of mediator, the case was settled at a mediation hearing for the amount of \$300,000.00 prior to trial.