

WORKPLACE SAFETY

Worker falls from wall: Improper installation of wall, plate: Failure to properly cure masonry grout: Multiple fractures: Settlement.

Walter v. R.E. Crawford Co., Pa., Allegheny County C.C.P., Dec. Term 2000, No. GD99-4595, Dec. 11, 2000.

Walter, 31, was installing steel joists in the masonry wall of a store that was under construction. When one of the joists pulled out of the pocket in the wall and fell, it dragged Walter with it, causing him to fall 16 feet to the ground. Walter suffered a fractured scapula, a herniated disk at C6-7, a vertebral compression fracture, rib fractures, and nerve palsy in his left eye, resulting in occasional double vision. His past medical expenses totaled approximately \$98,800. His future medical expenses are estimated at about \$35,000.

Walter had been a welder earning about \$26,000 annually and missed more than 14 months of work. Walter's current annual earnings are now more than \$50,000, but he is unable to work at heights. His past lost wages total about \$34,200 and his lost earning capacity is approximately \$306,400.

Walter sued the store, the general contractor, and the masonry contractor who had built the wall pocket into which the joist was positioned. Plaintiff claimed the masonry contractor installed the wall and the companion plate incorrectly. Plaintiff also alleged the masonry contractor failed to properly cure the masonry grout holding the plate in place.

Suit against the general contractor alleged that it authorized steel erection to proceed even though it was aware that the masonry grout was not properly cured.

Plaintiff claimed the store controlled site safety but failed to ensure that its site specifications were followed. These specifications required that masonry proceed when the temperature was above 40 degrees Fahrenheit. The temperature was below that at the time of plaintiff's fall and it had been cold during the previous two weeks.

Defendants countered that plaintiff's employer did not comply with steel erection drawings calling for cross bracing of the first joint, and that the joist fell not because of the grout but, rather, because the employer failed to properly brace the joist with a cross brace. Defendants also contended that plaintiff improperly welded the joist to the bearing plate in the wall.

The general contractor filed a third-party complaint against plaintiff's employer.

The parties settled during mediation for \$600,000. Each defendant contributed \$200,000.

Plaintiff's experts were Steve Fournier, construction liability, Lancaster, Pa.; Robert Durning, orthopedics, Pittsburgh, Pa.; Angela Santini, orthopedics, Sterling, Va.; and Robert Bechtel, ophthalmology, Altoona, Pa.

Defendants' construction experts were Kevin Parfitt, Port Maltida, Pa., and Charles Cornelly and Chester Smolenski, both of Pittsburgh, Pa.

Plaintiff's Counsel

*Peter M. Patton, Philadelphia, Pa.
