

conventions," according to Sophia Lee, of Sunoco Inc., who is president of the local chapter and chairwoman of the host committee. "It's really about putting Philadelphia on the map."

She said the group wanted to showcase what Philadelphia had to offer as well as the local chapter, which has been around since 1984.

fought hard to have him as part of the event, and Specter will be the final keynote speaker at the convention.

The NAPABA convention serves as the association's largest annual fund-raising event. "It is a national effort, but it is incumbent on the local affiliate to get sponsors," Lee said. And sponsors they got. Although she could-

\$1 million, and after contributions in excess of \$950,000.

The money is used to pay for the four-day event, which started yesterday, and fund the operating budget for NAPABA. The local affiliate will get an agreed-upon amount of the net

Convention continues on 6

\$2.5 Mil. Settlement in Case Transferred to Berks

BY ASHER HAWKINS

Of the Legal Staff

Two sets of Center City lawyers have settled for \$2.5 million in a workplace injury action initially filed in Philadelphia Common Pleas Court but later transferred to Berks County following a heavily contested improper venue motion.

Attorneys in *Guido v. Koch Materials Co.* said that the settlement agreement was reached after a daylong, eight-hour mediation session held in the Berks County Bar Association building before Reading-based solo practitioner Frederick Hait.

The matter stemmed from 55-year-old truck driver Joseph Guido's claims that lax safety precautions at a South Jersey refinery owned by Koch caused a debilitating, 12-foot fall in January 2001 while he helped a Koch employee transfer liquid asphalt into the tanker he was piloting.

According to court papers, Guido asserted that while perched on the side of his truck as he helped the Koch employee guide an asphalt



JUREWICZ

LUTSKY

loading pipe into his tanker, the unclogging of a blockage caused the pipe to jump up, knocking Guido down onto the concrete floor below.

According to plaintiff attorney Richard Jurewicz of Galand Berger in Philadelphia, Guido's injuries as a result of the fall included a broken left hip, broken left eye socket bones and permanent hearing loss and disfigurement. Guido contended that he was rendered permanently disabled.

"The case would've settled for double [what it did] if it stayed in Philadelphia County," Jurewicz said.

Jeffrey Lutsky of Stradley Roton Stevens &

Young in Philadelphia — who represented Wichita, Kan.-based Koch in *Guido* — said that the defense did not dispute the extent of Guido's injuries, but were convinced that Guido could have found a desk job with only a modest decrease in salary.

"Given the significance of [Guido's] injuries, we were satisfied it was a fair resolution of the claim," Lutsky said of the settlement. He worked on the matter with partner Jeffrey Grossman.

According to Jurewicz and Lutsky, the case was filed in Philadelphia because the plaintiff's side believed Koch regularly did business in the city.

The defense sought transfer to another county through an improper venue motion, and a six-month fight on the issue ensued, the lawyers said. After discovery and a hearing on that issue, Philadelphia Common Pleas Judge Mark T. Bernstein, citing Koch's business records, concluded that the city's court system did not have jurisdiction in the matter.

Guido was then transferred to Berks

Settlement continues on 8

Del. Bankruptcy Court's Continue To Enforce Arbitration Clauses

Alternative dispute resolution, such as mediation and arbitration, is a common tool for resolving commercial disputes. Many companies prefer to use ADR for business disputes because litigation is typically more costly and time consuming.

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