



Home > Verdicts & Settlements > Lift carrying worker topples over; multiple injuries result

# Lift carrying worker topples over; multiple injuries result

\$13 million settlement

Mass. Lawyers Weekly Staff // January 5, 2024 // 2 Minute Read

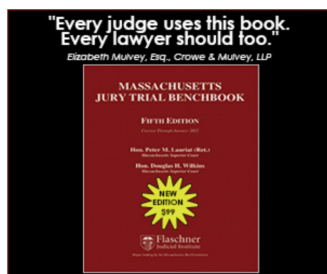


Listen to this article

The plaintiff was 54 at the time of the incident, which occurred in the course and scope of his employment on a construction site. He was drilling holes overhead while standing in an aerial lift at a height of 18 feet. The drill was connected to ground power by an extension cord.

A snorkel lift operated by an unidentified contractor drove by the plaintiff's elevated lift when its wheels became entangled in the extension cord of the plaintiff's drill. The plaintiff's lift toppled over, and the plaintiff sustained multiple injuries and fractures, most severely to his lower right extremity.

The plaintiff filed suit for negligence against the general contractor, the subcontractor who rented the offending lift, a subcontractor working in the vicinity believed to have operated the offending lift, and the property owner. The plaintiff was not able to verify who drove the lift at the time of the accident.



The plaintiff alleged that the defendants engaged in a conspiracy of silence to hide evidence and protect the wrongdoer. The plaintiff accused the general contractor of performing a sham investigation that blamed only the plaintiff and failed to make a good-faith effort to investigate the offending lift's operator.

The plaintiff also alleged violations of OSHA code, internal safety policies, and industrial standards for failing to adequately supervise and monitor lift traffic.

The defendants expressly denied any and all liability and made no admissions by virtue of the settlement. The defense contended that the plaintiff was comparatively negligent based on eyewitness testimony that the plaintiff's extension cord was incorrectly tied around the lift, and that the plaintiff was improperly moving the lift at height prior to the accident.



The defense also noted that the plaintiff's extension cord should have been plugged into the lift itself rather

YOUR NEWS. YOUR INBOX. DAILY. Sign up for FREE by entering your email below. Enter your business email \* Select Your Industry SIGN UP

You've Earned it... now Promote it... Maximize your recognition and build brand equity with Creative Licensing Solutions. EVO MEDIA LEARN MORE

### Polls

Would you favor the legalization of natural psychedelic substances in Massachusetts, as proposed in a 2024 ballot question?

Yes No

VOTE

View Results

### Verdicts & Settlements

- Prom-goer fractures femur when date falls asleep...
Lift carrying worker topples over; multiple injuries result...
Delivery truck driver goes through stop sign...
Jury finds condo owners tried to drive out...
Employee injures neck stacking flour bags at...
Patron slips in restaurant, tears rotator cuff
Unprovoked German Shepherd bites child in the...
Woman severs tip of thumb while shopping for...
Laborer sustains injury to shoulder, back
Construction worker hurts head in fall
Nursing home patient, 78, dies after excruciating...
Woman killed when dump truck runs over her

See All Verdicts & Settlements >

LEADERS IN THE LAW NOMINATIONS ARE NOW OPEN! Leaders in the Law

than ground power, which would have prevented the accident. The defense further contested liability by virtue of OSHA finding no wrongdoing against any of the named defendants.

The plaintiff supported his claims and countered the defendants' allegations with the expert testimony of a biomechanical engineer, a construction management specialist, and an aerial lift expert.

Plaintiff's counsel produced an array of medical experts including the president-elect orthopedic surgeon of the American Foot and Ankle Society, a neurologist, and a neuroradiologist.

Plaintiff's counsel secured a variety of damages experts, including a vocational rehabilitation specialist who verified the plaintiff's permanent and total disability while extrapolating all anticipated necessary future costs through his life expectancy. Plaintiff's counsel also secured video footage depicting a day in the life of the plaintiff as well as an in-depth interview with the plaintiff.

The defendants retained a vocational rehabilitation expert and disputed the extent of damages estimated by the plaintiff, noting that the plaintiff was a convicted felon and had not reported any taxable income for several years.

The settlement was achieved after two full days of mediation.

**Action:** Negligence and tort

**Injuries alleged:** Comminuted ankle fracture, other fractures and injuries

**Case name:** Withheld

**Court/case no.:** Withheld

**Jury and/or judge:** N/A (settled after mediation)

**Name of mediator:** Brian Mone of CMCI

**Amount:** \$13 million

**Date:** May 2023

**Attorneys:** Douglas K. Sheff, Dennis M. Teravainen, Julie N. DeNardo and Frank J. Federico Jr., of Sheff & Cook, Boston (for the plaintiff)

Deadline: February 5<sup>th</sup>, 2024  
MASSACHUSETTS LawyersWeekly Nominate Now

### Editor's Picks



#### Disinherited son can't challenge appointment of personal rep

The Appeals Court has ruled in a case of first impression that a disinherited son's status as an ⚡[...]

### Opinion Digests

- Patent and trademark – Amendment – Good...
- Retirement – Disability – Scope of employment
- Administrative – Registry of abusers
- Labor – Unilateral change – Repudiation
- Labor – Strike
- Retirement – Veteran – Annuity
- Taxation – Income – Untimely appeal
- Employment – Wage Act – Deductions
- Employment – Constructive discharge
- Civil practice – Third-party complaint – ...
- Civil practice – Res judicata
- Constitutional – Second Amendment – AR-15

[See All Digests >](#)

**Grow Your Leads in 2024**

Download Our Complimentary Guide on The Best Omni-Channel Marketing Strategies

MASSACHUSETTS LawyersWeekly

### Related Content

<p><b>Prom-goer fractures femur when date falls asleep at wheel</b></p> <p>On June 3, 2022, the 17-year-old plaintiff attended her prom with a friend. That night, they traveled from the[...]</p> <p>January 5, 2024</p>	<p><b>Delivery truck driver goes through stop sign, hitting motorist</b></p> <p>The 31-year-old male plaintiff was driving his car when a delivery truck operator went through a stop sign and[...]</p> <p>January 5, 2024</p>	<p><b>Jury finds condo owners tried to drive out commercial tenants</b></p> <p>The plaintiff, the owner of a first-floor condominium in a mixed-use building, alleged that the defendants, th[...]</p> <p>December 30, 2023</p>
<p><b>Employee injures neck stacking flour bags at bakery</b></p> <p>The 50-year-old employee injured his neck while stacking bags of flour at a bakery. After an MRI showed a hern[...]</p> <p>December 30, 2023</p>	<p><b>Patron slips in restaurant, tears rotator cuff</b></p> <p>A middle-aged woman was walking to her table at a restaurant when she slipped and fell on a liquid thicker tha[...]</p> <p>December 21, 2023</p>	<p><b>Unprovoked German Shepherd bites child in the head</b></p> <p>A minor child accompanied his parents who were house- and dog-sitting a mixed breed German Shepherd. Unprovoked[...]</p> <p>December 21, 2023</p>

Start your subscription to the Legal Matters Newsletter!  
The Legal Matters newsletter will help bring new business to your firm.

MASSACHUSETTS LawyersWeekly

News Events Opinions Verdicts & Settlements Classifieds Publications Advertise

**ABOUT**  
Massachusetts Lawyers Weekly provides 24/7 legal news coverage and events honoring top legal professionals.

**CONTACT**  
About Us  
Contact Us  
Accessibility Statement

**CONNECT**  
X f in

**DIGITAL EDITIONS**

**MY ACCOUNT**      **ADVERTISE**      **NEWSLETTER**

[Login](#)

[Subscribe](#)

[Manage Account](#)

[Subscriber Agreement](#)

[Advertise](#)

[Marketing Tips](#)

[Free eGuide](#)

[Media Kit](#)

Get our free MLW e-alerts & breaking news notifications!

Select Your Industry ▼

**SIGN UP**



**Subscribe** for access to the latest digital and special editions.



© 2024  
Use of



**Still pulling manual reports?**

Grow your agency faster with a reporting solution that fits your needs. Try it free now!



[My Info/Cookie Policy](#)