

## Laborer tumbles from staging, fractures his ankle

**Published:** August 1, 2005

\$130,000 settlement

The plaintiff, who was employed as a laborer, was injured on Jan. 4, 2000, when he fell off a stage and hurt his left ankle.

The plaintiff was initially diagnosed with a fracture to the left tibia and underwent two surgical procedures. One physician recommended a third surgical procedure, but the plaintiff declined the additional surgery.

The plaintiff was paid Section 34 benefits and Section 35 benefits. A claim for Section 34A was filed on behalf on the employee prior to a hearing. The matter was settled in the amount of \$130,000.

The employee applied and was awarded Social Security disability benefits. Based on the allocations pursuant to the Social Security regulations and the decision in *ISciarotta v. Bowen/I*, the employee was able to avoid an offset.

Type of action: Workers' compensation

Injuries alleged: Left ankle injury, fracture to the left tibia

Name of case: Withheld

Court/case #: Department of Industrial Accidents (no. withheld)

Tried before judge or jury: N/A (settled)

Amount of settlement: \$130,000

Date: April 4, 2003

Demand: \$150,000

Highest offer: \$130,000

Attorney: Gonçalo M. Rego, Fall River (for the plaintiff)

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### Detailed Information

<b>Type:</b>	Settlement
<b>Total Value:</b>	\$130,000.00
<b>Breakdown and distribution of Total Value:</b>	\$130,000
<b>Verdict/Settlement Date:</b>	4/4/2003
<b>Type of Action:</b>	Workers' Compensation
<b>Court:</b>	Department of Industrial Accidents (MA) (Other Text: Unspecified, Massachusetts, State Court)
<b>Case Number:</b>	Confidential

**Caption:**

*Confidential v. Confidential*  
**Plaintiff(s) v. Defendants(s)**  
Confidential Confidential

**Injuries Alleged:**

Other  
(Other Text: Detail)

**Injuries Detail:**

Left ankle injury, fracture to the left tibia

**First Demand:**

\$150,000.00

**First Demand Detail:**

\$150,000

**First Offer:**

\$130,000.00

**First Offer Detail:**

\$130,000

**Tried Before:**

Not Applicable

**Attorney(s) for Plaintiff(s)****Lead Attorney:**

Gonçalo M. Rego

**Firm:**

(Fall River)

**Attorney(s) for Defendant(s)****Lead Attorney:**

Unspecified Attorney

**Firm:****Insurance Carrier(s)**

No insurance companies involved

**Plaintiff(s) Expert(s)**

No plaintiff experts

**Defendant(s) Expert(s)**

No defendant experts