

Explosion Leaves Painter With Severe Burns

Previously Settled Third- Party Suit In Federal Court For \$1M

Published: April 18, 2005

\$530,000 Settlement

The plaintiff was in his mid-40s and was employed by the defendant company as a painter. An explosion occurred on Oct. 24, 1996, while the employee was painting, causing severe burns to his upper extremity.

The plaintiff, an inexperienced painter, was not provided with the proper protective equipment other than a helmet and a mask.

The plaintiff had previously filed a third-party lawsuit in federal court, which settled for \$1 million on or about Feb. 5, 2001. At the time of this particular settlement, the plaintiff had entered into an agreement with the workers' compensation carrier under which the carrier would take a percentage of payment of the lien in full.

The plaintiff was able to persuade the workers' compensation carrier to agree that any money recovered by the plaintiff from other parties would be considered as consortium related.

The result was that the plaintiff was able to continue to receive workers' compensation benefits under Section 34A; it was further agreed that if the workers' compensation case would settle in the future, there would be no offset against any lump sum proceeds.

Subsequent to the third-party settlement, the plaintiff instituted a claim against the employer pursuant to Section 28 (double compensation).

The plaintiff was prepared to offer testimony by witnesses and expert witnesses as to the employer's failure to provide proper equipment.

The plaintiff was further prepared to show that the employer had violated a number of rules and regulations in relation to the particular job the plaintiff was performing at the time. He was also prepared to show that the employer did not provide a safe work environment.

Type of action: Workers' Compensation

Injuries alleged: Severe burns to upper extremity

Name of case: Amaral v. Carlos Rafael Seafood

Court/case #: DIA, No. 04204296

Tried before judge or jury: Judge

Name of judge: Michael G. Chadinha

Amount of settlement: \$530,000

Date: Sept. 20, 2004

Highest offer: \$530,000

Most helpful expert: Jeffrey K. Lowe, fire and explosion expert

Attorney: Gonçalo M. Rego, Law Offices of G. H. Rego, Fall River (for the plaintiff)

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Detailed Information

Type: Settlement
Total Value: \$530,000.00
Breakdown and distribution of Total Value: \$530,000
Verdict/Settlement Date: 9/20/2004
Type of Action: Workers' Compensation
Court: Worcester Superior Court (MA)
Case Number: No. 04204296
Caption: *Amaral v. Carlos Rafael Seafood*
Plaintiff(s) v. Defendants(s)
Amaral Carlos Rafael Seafood
Injuries Alleged: Other
(Other Text: Detail)
Injuries Detail: Severe burns to upper extremity
First Offer: \$530,000.00
First Offer Detail: \$530,000
Tried Before: Judge
Judge or Mediator or Arbitrator: Other (Michael G. Chadinha)

Attorney(s) for Plaintiff(s)

Lead Attorney: Gonçalo M. Rego
Firm: Law Offices of G. H. Rego (Fall River)

Attorney(s) for Defendant(s)

Lead Attorney: Unspecified Attorney
Firm:

Insurance Carrier(s)

No insurance companies involved

Plaintiff(s) Expert(s)

Expert: Jeffrey K. Lowe
Title:
Specialty: Other (fire and explosion expert)
Company/Institution:
City/State:

Defendant(s) Expert(s)

No defendant experts