

Machinist seeks workers' comp benefits after injury

Published: December 25, 2006

\$225,000 settlement

The plaintiff, a machine operator, suffered an initial back injury on Oct. 25, 1998. Following back surgery in December 1999, the plaintiff was able to return to work - at first with restrictions and eventually without limitations.

In 2002, the plaintiff had a recurrence of symptoms and underwent a second surgery.

The plaintiff was awarded Section 34A benefits. The matter was settled prior to a hearing.

An impartial examiner found the plaintiff capable of sedentary work; however, the plaintiff was prepared to present evidence, including the testimony of a vocational expert, that considering his age, educational background and work experience, he was entitled to Section 34A benefits.

Pursuant to Section 34A, the settlement reflected a substantial number of years into the future. The specific allocations of the settlement proceeds enabled the plaintiff to receive his Social Security disability benefits without an offset.

Type of action: Workers' compensation

Injuries alleged: Multiple disc herniation-lumbar

Name of case: Machado v. Joan Fabrics

Court/case #: Department of Industrial Accidents, No. 54774-98

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

Name of judge: Lynn Brendemuhel

Amount of settlement: \$225,000

Date: Aug. 10, 2005

Demand: \$250,000

Highest offer: \$225,000

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

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Detailed Information

Type:	Settlement
Total Value:	\$225,000.00
Breakdown and distribution of Total Value:	\$225,000
Verdict/Settlement Date:	8/10/2005
Type of Action:	Workers' Compensation
Court:	Department of Industrial Accidents (MA)
Case Number:	No. 54774-98
Caption:	<i>Machado v. Joan Fabrics</i>

Plaintiff(s) v. Defendants(s)

Machado Joan Fabrics

Injuries Alleged: Other
(Other Text: Detail)

Injuries Detail: Multiple disc herniation-lumbar

First Demand: \$250,000.00

First Demand Detail: \$250,000

First Offer: \$225,000.00

First Offer Detail: \$225,000

Tried Before: Not Applicable

Attorney(s) for Plaintiff(s)

Lead Attorney: Goncalo M. Rego

Firm: Law Offices of G.M. Rego (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