

14 MILLION DOLLAR SETTLEMENT SECURED FOR A CONSTRUCTION WORKER WITH A SIGNIFICANT SPINAL CORD INJURY

The case involved a severe spinal cord injury suffered by a 44-year-old Honduran native who was working as a carpenter in a factory building on Maine. The injured worker was employed by a Massachusetts company. The employer along with other companies were remodelling this old three level factory building. At the time of this incident, the injured employee was working in the first level. A ten feet pipe connected to the ceiling got dislodged and struck the injured worker in the neck, causing severe injuries to his spinal cord.

He was initially hospitalized at a hospital in Maine where he underwent several surgeries. He was eventually diagnosed with a severe spinal cord injury leaving him a quadriplegic. He received extensive treatment at Spaulding rehabilitation center in Boston and continues to receive therapy which is expected to last for some time in the future.

Prior to the filing of a lawsuit in Maine, extensive investigation was conducted by our office and the law offices of Sheff & Cook. Both of these law offices have worked together for the past 20 years in cases involving catastrophic injuries. The lawsuit was filed against three construction companies for negligence. Ten months after the filing of the lawsuit the case was settled for 14 million Dollars. The workers' compensation case still pending and it might be settled for additional two Million Dollars. A substantial allocation of the settlement proceeds is in Trust for the injured workers' future benefit.

This case involved many challenges in particular the fact that the injured worker is an undocumented immigrant. There were concerns that one of the insurance companies was going to challenge his right file a lawsuit because of his immigrant status. The possibility of deportation was always a concern. In order to protect the injured worker from deportation or some other legal hurdle all of the court proceedings were conducted remotely with the court's permission. Another challenge we had to overcome was the issue of housing. It appears that this issue has never been addressed before by the court in Massachusetts. The issue is whether or not the workers' compensation insurance company had to provide housing to this injured worker. We successfully did secure a favourable court decision on this issue and the apartment was also in compliance with the American Disability Act (ADA).