

Confidential Report For Attorneys

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Reporting So. California Jury Verdicts & Settlements Since 1963

Construction Site Accident -

Painter falls from unsecured scaffold; Male, 26, skull fracture with memory loss

RESULT: \$1.725 million

TYPE: Settlement

COUNTY: Orange

CASE No. 77 48 71

CASE NAME:

Jehu Soto v. Edwards Theatres Circuit, Inc., et al. and cross-complaint

PLAINTIFF ATTY:

Law Offices of Herbert Hafif, By: Cynthia D. Hafif, Claremont
Williams, Beck & Forbes, By: Anthony Beck, Los Angeles for
Jehu Soto (on workers comp matters)

Krimen & Bjornsen, By: Norman R. Jones, Costa Mesa for Pltf-
in-Intervention SCIF

Haffner, Haffner & Milner, By: Matthew Haffner, Ventura for
Cross-Comp Edwards/Parks

DEFENSE ATTY:

Zinder, Blackburn, et al., By: Jeffrey Z. Zinder, No. Hollywood
for Edwards Theatres/Parks

Law Offices of James P. Zurawski, By: John L. Setchell, Orange
for Edwards Theatres/Parks

Booth, Mitchel & Strange, By: Laila Santana, for Hoffman
Anderson, McPharlin & Connors, By: Jeanette E. Jerles and
Michael C. Phillips, Los Angeles for City Plastering

Law Offices of William I. Chopak, By: Ron W. Townsend,
Costa Mesa for Diamond Plastering

Law Offices of James P. Zurawski, By: John L. Setchell, Orange
for Bruin Painting

Baraban & Teske, By: Jeffrey H. Baraban, Pasadena as
Associate Counsel for Bruin Painting

PLAINTIFF EXPERTS:

Thomas Garrick, M.D., Psychiatrist, Los Angeles
Stanley N. Cohen, M.D., Neurologist, Los Angeles

Shoba Sreenivasan, Ph.D., Neuropsychologist, Los Angeles
Richard H. Andersen, Vocational Rehab, Westminster

Wayne H. Lancaster, Ph.D., Economist, Fullerton
Steven C. Wexler, Ph.D., Scaffolding, Marina del Rey

DEFENSE EXPERTS:

John Hochman, M.D., Psychiatrist, Encino
Martin D. Levine, M.D., Neurologist, Encino

Michael J. Singelyn, M.D., Orthopedist, Whittier
Robert J. Sbordone, Ph.D., Neuropsychologist, Irvine

Tom Burke, Scaffolding, Newport Beach

SETTLEMENT DEMAND:

\$1.6 - \$1.8 million (\$2.5 million per Deft).

SETTLEMENT OFFER: \$1 million

FACTS:

On May 9, 1996 Pltf, a 26 year-old painter, was ordered by Deft to paint at the top of a 30-foot scaffolding setup inside a building under his employer's direction. The scaffolding contained a lower set of "permanent" scaffolding around 20 feet high. A wooden plank floor was placed on top. Then a smaller set of "moveable" scaffolding, about ten feet high, was placed on the plank floor. Pltf was not wearing any safety harness or rope while working at the top of the scaffolding setup. He fell while descending from the top portion of the scaffolding, rolled off the edge of the wooden plank floor covering the bottom scaffolding and fell another 20 feet to the floor below.

The scaffolding did not contain railings, was not tied down or secured in any way and did not contain a safety net. Pltf's employer was cited by Cal-OSHA for the scaffolding setup.

PER PLTF:

That Defts failed to warn or properly supervise Pltf that the scaffolding was dangerous by Deft general contractors Parks/Hoffman; that the general contractors Parks/Edwards Theatres had control and supervised the entire job site and the subcontractors; that subcontractors City Plastering and C.A. Hoffman Construction were the owners of the subject scaffolding.

INJURY:

Basilar skull fracture with loss of sense of taste/smell and memory loss; clavicular fracture; fractures at T10-12.

PER DEFT:

Contended that Pltf was comparatively negligent; that he missed a step and/or jumped from the scaffold setup; that his injuries were not as extreme as claimed because he could still drive an automobile.

Deft City Plastering contended that it was not a subcontractor at the construction site; that it merely leased the scaffolding to Parks and set up the bottom portion of the scaffolding months before Pltf's accident; that the scaffolding was under Park's control at the time of the accident; that someone else set up Hoffman's moveable 10-foot scaffolding on top of City Plastering's scaffolding without City Plastering's knowledge or consent; that Pltf was comparatively negligent in jumping from the scaffolding on his way down and for not wearing safety equipment.

SPECIAL DAMAGES:

\$127,700 past medical

SETTLEMENT:

\$1.725 million to Pltf of \$1.815 million total settlement less \$90,000 to satisfy WC lien. Deft Edwards/Parks contributed \$1.5 million; \$175,000 from City Plastering; \$140,000 from C.A. Hoffman.

RESOLVED: 10/98 FILED: 2/03/97

NOTES:

Mediation before the Honorable Paul Egly (Ret.).

JUDGE: Richard Aronson

COURT: Orange County Superior Court, Santa Ana

CRA #10381