

2006 Finished With Flurry Of Big Verdicts and Settlements

The following was excerpted from The Legal Intelligencer

By Asher Hawkins
January 10, 2007

The Legal Intelligencer

Construction Accident, \$3 Mil.

In early November, a city jury awarded \$3 million in a case in which a 50-year-old ironworker said he suffered herniated disks in his neck after falling down a construction-site staircase whose lighting had failed.

Due to settlements resulting from the litigation, the ironworker and his family could stand to collect a total of approximately \$4 million.

Two of the defendants in McCormick v. Preferred Real Estate Investment settled pre-trial for \$1 million each, according to plaintiffs' attorney David Caputo of Kline & Specter in Philadelphia.

Defendant Preferred, the construction manager on the worksite in question, did not settle before trial and will have to pay Gerard McCormick and his wife, Kim, \$2 million as a result of the verdict, according to Caputo. Preferred is currently engaged in federal court litigation with its insurance carriers as a result of the McCormick case.

Preferred's attorney, Marc Zingarini of Weber Gallagher Simpson Stapleton Fires & Newby in Philadelphia, did not immediately respond to a call seeking comment.

Phoenix Mechanical, the site's electrical subcontractor, was unrepresented at trial after tendering its \$1 million policy limits, Caputo said.

A&E Construction Inc., a contractor on the site whose project supervisor was allegedly in charge of safety at the worksite, also settled for \$1 million prior to the five-day trial before Judge Sheldon C. Jelin, Caputo said.

A&E's attorney, Frederick DeRosa of Bodell Bove Grace & Van Horn in Philadelphia, said his client remained involved in the case through trial because Preferred had lodged a cross-claim against it; the jury found in favor of A&E on the cross-claim, DeRosa said.

Gerard and Kim McCormick have three children, according to Caputo.