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## \$1.477 Million Verdict Rendered in Construction Site Accident

2010

A Cook County jury on Wednesday awarded a 51-year-old carpenter \$1.477 million in a catastrophic construction site injury arising out of an accident that occurred when he fell from an inadequate ladder while carrying one end of a 100- to 120-pound beam that he intended to install as a doorway header. The amount included \$105,000.00 awarded to his wife Roberta for loss of consortium.

James Conwell was an employee of Kole Construction, a carpentry subcontractor to James McHugh Construction Company, working at a job site at 1111 S. State Street in Chicago, when the ladder collapsed. He fell, and the beam struck him on the back of his head and neck. The serious injuries he suffered at the scene have now been declared by his doctor and the federal government as total and permanent.

After a two-week trial, the jury returned the verdict after closing arguments were presented by attorneys Antonio M. Romanucci, of Romanucci & Blandin, LLC, and Daniel E. O'Brien, of Burke & O'Brien, P.C., who represented the plaintiffs, and Angelo Spyratos and Pamela Pierro, of Momkus McCluskey, LLC, representing the defendant, James McHugh Construction Company.

The Complaint alleged that McHugh was aware that subcontractors on the project were using inadequate ladders for the required work but failed to have them removed from the job site until after the injury. It also alleged that McHugh had a formal safety program and procedures that it failed to follow, that it failed to enforce its safety rules that required subcontractor employees to wear stickers on their hard hats to verify attendance at mandatory McHugh safety orientation.

The jury agreed with the plaintiffs' contentions that McHugh failed to comply with ANSI and OSHA regulations, to provide safe and suitable equipment, and to make reasonable inspections of the premise to ensure compliance with their own safety program. After undergoing surgery on the day of his accident to repair a deep neck and facial laceration, Conwell began follow-up treatment. Visits to numerous specialists confirmed that there was no cure for his persistent aura migraines, neck pain, tinnitus and severe hyperacusis in the right ear as a result of the accident. Because of the severity of his symptoms, his life has become one of isolation in his home, which has required his wife Roberta to take on the duties of both parents to their school-age son.

The case, James Conwell and Roberta Conwell vs. James McHugh Construction Company, No. 06L4924. The judge in the case was Hon. Thomas Flanagan.