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WORKER SUES OVER ALLEGED CONSTRUCTION SITE INJURY

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Special to the Suburban

A construction worker has filed a lawsuit against his employer and his site foreman seeking compensation for injuries that he claims to have suffered when the rear wall of a house fell on top of him.

Jack Christopher Laudato of West Chester asserts claims of negligence against Victor Stitz Jr., trading as Stitz and Associates of Newtown Square; and John Meussner, trading as Meussner Construction Co of Oxford.

Plaintiff's attorney Lawrence R. Cohan of Anapol Schwartz Weiss Cohan Feldman & Smalley filed an amended complaint in the Court of Common Pleas of Delaware County on behalf of Laudato.

Defense attorney Karen M. Ashdale represents Stitz, and defense attorney Michael A. Cognetti, representing John Meussner of Meussner Construction Co., recently entered an appearance in the case.

The complaint says that Stitz was the contractor responsible for the Deer Pointe Development site in Chadds Ford when Laudato was injured. John Meussner was hired by Stitz as a subcontractor and acted as foreman at the site, the complaint says.

According to the complaint, on May 18, 1998, Laudato was helping to build one of the new houses at the Deer Pointe development, under the direction of Stitz and Meussner. Meussner allegedly instructed Laudato and 3 other men to try to lift the rear wall of the house that the men were building. The wall, according to the suit, was 20 to 24 feet in length and weighed around 1,500 to 2,000 pounds.

The men told to hold up the wall were unable to lift it, and it fell on Laudato, "crushing him," the complaint says. The complaint denies that Laudato caused or contributed to the cause of his own injuries and maintains that the incident was caused "solely and exclusively by the liability-producing conduct of the defendants."

Laudato claims to have suffered multiple right tibia and fibula fractures, a right distal radius fracture, a hemotoma of the kidney and lower chest wall, respiratory distress and internal bleeding.

After the incident, he underwent "numerous surgeries," the complaint says, including a rodding of the right tibia and an open reduction and fixation of the right radius. The complaint says that Laudato underwent extensive occupational and physical therapy.

The complaint asserts that Stitz was responsible for the injury by negligently allowing workers to lift heavy equipment without the assistance of machinery.

Laudato also alleges Stitz negligently hired employees who "failed to provide a safe work site by creating a hazardous condition."

Stitz's attorney filed preliminary objections to the complaint, which were denied.

Laudato alleges that Meussner was reckless and/or careless and negligent. The complaint says that Meussner failed to manage the workers and failed to provide adequate supervision at the construction site. Meussner should have known that moving the wall would result in harm to Laudato, the complaint says.

Laudato seeks compensatory and punitive damages against all defendants.