

The Legal Intelligencer
Vol. 219, No. 82
Copyright 1998 by American Lawyer Media, ALM LLC

October 26, 1998

MAN CRUSHED BY 250-POUND LIGHT ACCEPTS SETTLEMENT OF \$2.5 MILLION

Jeff Blumenthal
Of The Legal Staff

An electrician who was hit by a 250-pound light fixture that fell on him from a height of more than 20 feet received a \$2.5 million settlement from a crane rental company whose employee was accused of negligence in the incident.

The settlement was finalized Thursday after a day-long non-binding mediation session earlier in the week. The case was set to move forward to trial early next month. Ronald Miller, 39, of Holland, was working at a construction site on July 26, 1996, outside an Outback Steakhouse in Turnersville, N.J., when the accident occurred.

According to Miller's attorney, Mark LeWinter of Mammuth LeWinter & Rosenberg in Bala Cynwyd, Miller was responsible for rigging the light fixture onto the crane. He then watched as a crane operator, George Wilson, hoisted the pole upward in an attempt to eventually secure it onto a cement base.

LeWinter argued that Miller powered the crane up when he shouldn't have, causing the light fixture to snap off and hurl toward the ground.

"Our expert [an engineer] said that due to the torque on the bolts at the top of the fixture, the crane operator had to have powered up," LeWinter said.

Jack Cohen of Edelstein Mintzer & Sarowitz represented both defendants, Thackary Crane Rental and Wilson. Cohen had argued that the fixture was not properly fastened to the pole, which was ultimately the responsibility of Miller, the foreman of the electrical crew on-site. But due to the severity of the injuries suffered by Miller, Cohen said his clients decided to settle at a figure which was well below Thackary's insurance coverage limit.

"He suffered very serious injuries, and he's not going to be able to work anymore so we thought this settlement number was fair," Cohen said.

According to LeWinter, Miller suffered three broken vertebrae, six herniated discs and residual brain injuries that have left him in chronic pain. Miller has difficulty concentrating and remembering things and also has trouble walking. LeWinter sought damages on basis of pain and suffering and lost earning capacity. Miller is married with two children.