

Construction Injury Nets Worker \$2 Mil. Award

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A Philadelphia jury has awarded \$2 million to a Conshohocken man who allegedly suffered a debilitating neck injury when wet concrete was accidentally poured on his head as he worked at a local construction site.

The award in *LePera v. Madison Concrete Corp.* also includes \$100,000 in consortium for Corinda LePera, whose husband George, a former iron worker, was injured in December 2000 at the West Point construction site.

The LePeras had brought suit against Madison, whose employees were handling the wet concrete at the time of the accident. Lawyers involved in the case said the defense had stipulated as to liability, but had argued that LePera - who has been employed since the accident - had not been as seriously injured as he claimed.

LePera was working for C&C Erectors Inc. at the site when he was injured. According to court papers, LePera claimed Madison had not appropriately warned him that wet concrete was about to be poured onto the area in which he was working from one story above.

LePera's attorney, Andrew Youman of Kline & Specter, said his client, who was 43 at the time of the accident, has recently been working as a supervisor for a stonemason company, but cannot perform physical duties.

Kline & Specter attorney Albert Dragon handled the pre-trial phase of the case, Youman said.

Madison was represented by Joseph McAleer of Devlin & Associates in Conshohocken. McAleer said Madison - which is currently considering its appellate options - contended throughout the trial that LePera had not presented any diagnostic evidence to support his claims of pain.

The plaintiffs had originally demanded \$2 million, and the defense had offered \$300,000, according to Youman. A mediation attempt was not successful. During trial the defense raised their offer to \$400,000, then to \$700,000 following closing arguments and finally to \$1 million shortly before the jury returned with its verdict.

Judge Marlene F. Lachman presided over a trial that lasted from Nov. 8 to Nov. 10, with the jury returning its verdict after approximately four hours' deliberation, Youman said. The jury was not polled.

Youman said that he would be seeking roughly \$137,000 in delay damages.

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