

Jury awards \$3 million to ironworker hurt on job

Gerard McCormick tumbled down the stairs when the lights went out

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PHILADELPHIA – A Common Pleas Court jury awarded \$3 million today in the case of an ironworker who suffered severe neck and shoulder injuries in a fall down a darkened stairwell at a construction site.

Gerard McCormick, of Philadelphia, who was 49 at the time of the July 2003 incident, lost his footing when temporary lighting on the stairwell went out. Defendants argued that employees had been warned about intermittent outages, yet the jury found that a warning was not enough, that the problem should have been corrected.

David J. Caputo, of Kline & Specter, P.C., termed the mishap “an accident waiting to happen” and said the case served notice to employers that they have a responsibility to ensure that workplaces are safe.

The jury awarded McCormick \$2.5 million and another \$500,000 to his wife, Kim, for loss of spousal services, society and companionship. Because of pre-trial settlements with two of the defendants in the case, Caputo said total recovery may reach \$4 million.

McCormick suffered disc herniations and a torn rotator cuff in the fall. Following the accident, he underwent eight surgeries with various ensuing complications. As a result, he continued to suffer an incisional hernia that caused his abdomen to become severely distended and permanent pain and limited range of motion in both his neck and shoulder.

McCormick, who had worked as a union laborer since he was 15, was unable to go back to work as an ironworker.

Defendants in the case were the construction manager, Preferred Construction Advisers LLC; the electrical subcontractor, Phoenix Mechanical, Inc.; and A&E Construction, Inc., another contractor on the site in Chester, Pa.

The jury found Preferred 70 percent liable for the mishap and Phoenix 30 percent at fault. It did not find A&E liable, but the company had previously agreed to a settlement in the case.