

# Philadelphia Pennsylvania Lawyers: The Woolfolk Case

## Big verdict, settlement in Woolfolk Case

*Apartment complex loses suit over boy's fall from window*

Tragedy struck on Sept. 11, 2001.

The incident occurred at 10:30 p.m. at the Chatham Court Apartments in Philadelphia after Natina El had put her three young children to bed. Or so she thought.

Her son, Nicholas Woolfolk, not yet three years old, walked into the living room of Apartment C402 and climbed to the base of the window. It was a warm night and the window was open, a gentle breeze flowing through its screen

First the screen fell out, then Nicholas. He fell three stories, his head smashing into a concrete pavement. Nicholas suffered frontal lobe brain damage that required multiple surgeries and left him blind in one eye.

Upon investigating the case, Kline & Specter, hired to represent the family, discovered that there had been a long-standing problem with the screens at the apartment complex. The screens, held in place by several pins, had a tendency to "pop out." And the apartment management knew it.

Ingerman Affordable Housing Inc. had been notified by other tenants in the past about the problem with the screens popping out. Five months earlier, another two-year-old had fallen through an improperly secured screen. The property manager, Margaret McLean, had even personally witnessed screen frames that had fallen from windows.

In the lawsuit against the management, plaintiffs' attorney [Shanin Specter](#) argued that Ingeram did nothing to fix the known problem nor to warn tenants of the potential danger. It did not provide window guards to tenants, even those it knew had small children living in upper-floor apartments.

The suit noted the screens constituted an unsafe condition and posed a "foreseeably hazardous risk."

The Spring 2004 trial opened with Specter holding a large color photo of Nicholas in front of a Philadelphia jury and describing the incident and the injuries suffered by the little boy, including brain damage that would affect his ability to learn and function for the rest of his life. "He will never see again from that eye," Specter said, as the child's mother lowered her head onto the counsel table and wept silently, her shoulders bouncing lightly.

The trial lasted two weeks. In May 2004, the jury awarded \$7 million in damages. However, Specter had reached a pre-verdict agreement with the defendants that resulted in a payment that was actually greater than the verdict – \$12.25 million.