



Regan Safier, left, and Timothy A. Burke of Kline & Specter. Courtesy photos

## NEWS

# Cement Company Reaches \$12M Settlement With Estate of Ironworker Who Died in a Fall

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Litigation



**By Aleeza Furman**

Litigation Reporter

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## What You Need to Know

- A cement company has agreed to pay \$12 million to the estate of an ironworker who fell to his death during a maintenance job.
- The defense had argued the decedent was negligent because he had not been wearing a harness.
- The plaintiff contended that the accident was the result of systemic safety failures from the defendant.

The widow of a 33-year-old ironworker who fell to his death during a maintenance job has reached a \$12 million settlement with the operator of the cement plant where the accident occurred, the plaintiff's lawyers announced Wednesday.

The parties reached the accord several weeks shy of trial after a good deal of dispute over what role the decedent played in the conditions that caused his death. And while the defense argued that decedent Michael Pittman caused the accident through his own negligence, the plaintiffs

contended that systemic safety issues within the purview of the defendant company were to blame.

“It's important to look at the entirety of the circumstance, not just what happened in this exact moment, but what the workplace environment was,” said Kline & Specter partner Regan Safier, who represented the Pittman's estate alongside co-counsel Timothy Burke.

Although Safier said plaintiffs counsel was not permitted to name the settling defendant, court documents show the plaintiff's claims were against Hercules Cement Co., represented by the Am Law 200 firm Armstrong Teasdale.

Pittman had been part of a crew hired to service a cement cooler at a plant operated by Hercules. During the project, the plaintiff claimed, Pittman was tasked with installing wooden planks over a catwalk opening, however the planks were not the proper dimensions to support human weight.

The plaintiff alleged that one of the planks broke under Pittman's weight, causing him to fall approximately 23 feet to the ground below.

The plaintiff claimed that the fall was the result of a host of safety failures on Hercules's part. However, a sticking point in the case was the fact that Pittman had not been wearing a harness at the time of the accident.

The defense contended that Pittman would not have fallen if he had worn his harness as he had been trained to do.

The plaintiff countered that, even if Pittman had been wearing a harness, Hercules had not provided the necessary equipment for Pittman to secure himself at the worksite.

In response to Hercules's argument for comparative negligence, the plaintiff put forth the opinion of an organizational psychology expert, who attributed the accident to broader organizational deficiencies and a weak safety culture at the company.

Safier said the expert report helped drive the case, captioned *Pittman v. Hercules Cement*, toward settlement.

"Once we were able to say, 'We believe very strongly in this, and this is only going to get worse for you if you go to trial,' we were able to slowly work toward this resolution," Safier said.

Armstrong Teasdale partner Timothy Bergère did not respond to requests for comment.

According to Safier, the parties reached the settlement at a mediation ahead of a trial that had been slated to begin in January.

Judge Sheila Woods-Skipper of the Philadelphia Court of Common Pleas approved the settlement March 12.

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