

MASSACHUSETTS LAWYERS WEEKLY

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Builder falls through opening in floor, shatters arm

\$1 million settlement

Published: April 22, 2013

The plaintiff, a subcontractor working on the remodeling of a residential home, tripped and fell through an unguarded opening to the floor below.

He suffered serious fractures to his major arm, which required multiple surgeries, including a procedure involving the shortening of his ulna to reduce the considerable pain.

The defendant argued that the plaintiff's negligence caused him to fall and that the floor was covered when last viewed by the construction supervisor.

The plaintiff contended that the purpose of code requirements mandating the covering of floor openings is to prevent precisely the kind of injury he suffered.

The case settled for the policy limits and a small additional sum from the uninsured owner of the property.

Action: Negligence & tort

Injuries alleged: Fracture requiring multiple surgeries

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (settled)

Amount: \$1 million

Date: March 21, 2013

Attorneys: Jeffrey T. Scuteri and Thomas J. Delaney, of Goddard, Scuteri & Delaney, Salem (for the plaintiff)

Detailed Information

Type:	Settlement
Total Value:	\$1,000,000.00
Verdict/Settlement Date:	3/23/2013
Type of Action:	Negligence & Tort
Court:	Confidential

Case Number: Confidential
Caption: *Confidential v. Confidential*
Plaintiff(s) v. Defendants(s)
Confidential Confidential
Injuries Alleged: Shoulder, arm, elbow, wrist, hand
Injuries Detail: Fracture requiring multiple surgeries
Tried Before: Not Applicable
Judge or Mediator or Arbitrator: Not Specified

Attorney(s) for Plaintiff(s)

Lead Attorney: Jeffrey T. Scuteri
Firm: Goddard, Scuteri & Delaney (Salem, Massachusetts)

Other Attorney: Thomas J. Delaney
Firm: Goddard, Scuteri & Delaney (Salem, Massachusetts)

Attorney(s) for Defendant(s)

No defendant attorneys

Insurance Carrier(s)

No insurance companies involved

Plaintiff(s) Expert(s)

No plaintiff experts

Defendant(s) Expert(s)

No defendant experts