

Construction Accident

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Michael P. Johnson

June 26, 2018

Michael Johnson and Patrick Audley recently obtained a defense verdict after a 7 day jury trial in Norfolk Superior Court (Dedham, MA). The case involved negligence claims arising out of a significant construction accident which occurred when the plaintiff stepped into an excavation on a construction site which was allegedly created by the defendant subcontractor. The plaintiff alleged that the accident resulted in significant musculoskeletal injuries culminating in a multi-level spinal fusion which prevented the plaintiff from continuing to work in his previous profession. At trial, the plaintiff claimed damages in excess of \$1.5 million, along with pain and suffering and a consortium claim brought by the plaintiff's spouse.

Attorneys Johnson and Audley were able to rebut the plaintiff's claims that the excavation should have been marked or flagged, by distinguishing between OSHA regulations applicable to excavations as opposed to "holes", which the plaintiff alleged applied in this case. The jury returned a full defense verdict finding that the defendant was not negligent.