

# Law Reporter

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## WORKPLACE SAFETY

### Employee falls from scaffold: Failure to secure bar: Ruptured arteries: Verdict.

*Zaret v. BPS Equip. Rental Sales, Fla.*, Miami-Dade Cir. Ct., No. 1998-11012-CA-01, June 12, 2002.

Zaret, 38, was working on 20-foot-high scaffolding when a safety bar he was leaning on came loose, causing him to fall to the ground. He suffered ruptured arteries in his legs and is now unable to walk for more than one block at a time. His past medical expenses totaled about \$298,000, and his future medical expenses are estimated at approximately \$1.61 million.

Zaret was a construction worker but is now totally disabled. His past lost income totals \$110,500, and his future lost income is estimated at about \$634,400.

Zaret filed suit against the company that constructed the scaffolding, alleging that the safety bar had been improperly secured. Specifically, plaintiff claimed that the tie wire

46 LAW REPORTER

27



BALANCING THE SCALES  
OF JUSTICE

used to secure the bar was only wrapped around the bar twice when it should have been wrapped around about 10 times.

Defendant asserted laboratory tests showed plaintiff was intoxicated on his arrival at the hospital immediately after the fall. Plaintiff presented testimony from a toxicologist that printer's ink in the air at the plant could have raised plaintiff's blood alcohol level.

A jury awarded plaintiff \$3.2 million. The jury found the company 70 percent liable and plaintiff's employer 30 percent responsible for failing to make plaintiff wear a lanyard. Defendant plans to appeal.

Plaintiff's expert witnesses in this case were Gaetano Scuderi, orthopedic surgery; Terry D. Hall, toxicology; Ronald Zollo, engineering; Lawrence Foreman, vocational rehabilitation; and Kenneth Clarkson, economics, all of Miami, Fla.

Defendant's scaffold and safety expert was John R. Jordan, San Antonio, Tex.

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