

Plaintiff says PECO hasn't paid \$250K settlement

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Justin L. Groen

PHILADELPHIA – Attorneys for a man allegedly injured by a downed electrical wire are seeking for PECO Energy Company to abide by the terms of a previous settlement, and face sanctions for its alleged non-compliance.

Justin L. Groen filed a motion to enforce settlement on Aug. 26, explaining a settlement of \$250,000 had been reached on Jan. 17, 2014, between plaintiff William D. Smallwood and defendant PECO. However, Groen asserted PECO has “held back the settlement funds in bad faith” and wants it to be subject to financial sanctions for that reason.

Groen asked PECO be required to pay the \$250,000 settlement funds plus interest at a rate of 4.25 percent from Day 21 to the funds’ date of delivery, combined with \$250.00 in counsel fees.

A hearing in this matter was set for Thursday in Court chambers, at Philadelphia City Hall.

On an unknown date, Smallwood was struck on the right side of his head and face by a stray electrical wire adjoining a building on the 1600 block of North Bailey Street in Philadelphia, the suit says.

Smallwood alleges PECO failed to inspect, secure or correct the dangerous condition of the electrical wire and sued them for negligence, in addition to the City of Philadelphia and other defendants Andre Taylor and Economical Construction.

In the accident, Smallwood suffered full spinal injuries with disc involvement, severe shock to his nerves and nervous system, blurred vision with right monocular blindness, right periorbital neuralgia, reflex ocular sympathetic dystrophy, photobia, scars and abrasions about his body (specifically on his right shoulder), dizziness, loss of right arm and hand, entrapment neuropathy of ulnar sensory at level of wrist, increased insertional activity in paraspinal muscles, tendinopathy for suprastinus and infraspinatus tendons, possible labral tearing and right shoulder bursitis.

The plaintiff is represented by Joseph Zawrotny plus Groen and Eric H. Weitz of Messa & Associates, all in Philadelphia.

The defendants are represented by Shari F. Bernstein and Joseph A. Ricchezza of Salmon Ricchezza Turchi Singer, Gerard X. Smith of Naulty Scaricamazza & McDevitt, John J. Branigan and Sean Kirby, all in Philadelphia.

Philadelphia County Court of Common Pleas case 120901872

*From the Pennsylvania Record: Reach Courts Reporter Nicholas Malfitano at
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