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Carpenter Awarded \$3M After Stairway Collapse

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July 1, 2015

A Philadelphia jury has awarded \$3 million to a carpenter who broke his shoulder after the temporary stairway he was walking on collapsed.

After 14 days of trial, the jury found that two drywall companies and the company that installed the temporary stairway were liable for the incident, and returned a \$3 million verdict for John F. White and his wife. The jury in *White v. Drywall* awarded \$2.5 million to White for past and future damages, and \$500,000 to White's wife for loss of consortium.

White sustained a broken shoulder, as well as a concussion and soft-tissue injuries to the neck and back. He alleged the temporary staircase that collapsed had been wobbly for some time, and he had warned superiors at the job site, but nothing was done to fix the steps.

"I think the defendants spent a lot of time pointing the finger at Mr. White, trying to blame him. But that defense was not terribly credible," said White's attorney, Joseph Messa of Messa & Associates. "Mr. White was a very credible person."

According to court papers, in January 2012, White was working on a renovation project in the Bella Vista section of Philadelphia, near Center City. Defendant Beiler Construction LLC had installed a set of temporary stairs on the work site, and defendant Drywall Inc. was the drywall subcontractor. Drywall Inc. subcontracted with defendant Guadalupe Hernandez for installation, and U.C. Drywall for finishing.

As White walked down the staircase, it gave way, and he fell to the level below, according to court documents.

White's pretrial memo said witnesses had reported that the stairs were unusually wobbly in the lead-up to the accident. White additionally said he reported to his supervisors on five occasions that the stairs were loose and rickety. Other workers also reported about a dozen times to supervisors on-site that the staircase was not stable, White said in his pretrial memo.

White contended that Beiler had negligently installed the temporary staircase, and that the general contract was negligent for allowing an unsafe and dangerous stairway on the work site.

White also argued that drywall workers had removed portions of the staircase, but failed to

properly re-install it prior to the collapse.

Along with the general contractor and other companies, White also sued Drywall Inc., Beiler and Guadalupe Hernandez.

In their pretrial memos, the defendants contended that White had likely removed supports to the temporary stairwell, as, moments before the collapse, he had been told to remove the handrails in order to prepare for the installation of a permanent staircase, which was planned for the following day.

The drywall companies denied moving portions of the stairs, and said that portions of the stairs that had remained attached indicated that they were not at fault for the collapse.

Guadalupe Hernandez also noted that, even if its employees had removed the stairwell, workers had been going up and down the stairs for several days before the collapse.

Guadalupe Hernandez's expert, Mark Kilgore, also planned to opine that none of the drywall entities had caused the collapse, the defendant's pretrial memo said.

Beiler noted in its pretrial memo that White had not arrived at the work site until a month after the stairs had been installed, and the company had not returned to the site since the temporary stairs had been completed.

Several defendants also sought spoliation sanctions, since the materials from the collapsed staircase had been thrown away.

The fall caused a displaced fracture of White's left scapula, White said in his pretrial memo. He was taken by ambulance to Thomas Jefferson University Hospital, where his arm was put in a sling and he was discharged.

White remained in the sling for about a month, and then began physical therapy, which he continued for about seven months. According to the memo, White's doctor said he would have permanent restrictions, and could only use his arm for light duty.

An MRI of the left shoulder also showed a partial thickness tear of the supraspinatus, and an EKG showed that he suffered neuropathy, White's memo said.

White also underwent shoulder injections, and in September 2012, he underwent a left suprascapular neurolysis procedure.

White also claimed that the fall caused radiculopathy in his back and neck, blurred vision, and degeneration in his spine and shoulder.

According to his pretrial memo, White contended that he could no longer swim or play catch with his kids as a result of the fall.

White's expert, Dr. Guy Fried, opined that White's injuries are permanent, and that he will need future treatment.

Mark B. Wagner, who offered a report for the plaintiff, also opined that White was unable to perform the same work he had after the accident.

Regarding the injuries, the defendants contended that White had long-standing chronic low-back injuries, and he also had a history of work accidents that caused the low-back injuries.

Guadalupe Hernandez also noted in its pretrial memo that White had been denied Social Security benefits because the injuries were not severe enough.

Defense expert Dr. David Glaser also said that White only suffered minor residual injuries in his shoulder, and he would be able to return to work.

Robert Cipko, a vocational expert for the defendants, also contended that White's wage loss was closer to \$130,000.

The general contractor was dismissed by a directed verdict, and U.C. Drywall was let out of the case during trial.

After a day of deliberation, the jury found both Beiler and Drywall Inc. 40 percent liable. The jury also found Guadalupe Hernandez 20 percent liable. The trial was held in Philadelphia Court of Common Pleas Judge Kenneth Powell's courtroom.

Baginski, Mezzanotte, Hasson & Rubinate attorney Gary S. Williams, who represented Drywall Inc.; attorney Mark Riley of Marshall Dennehey Warner Coleman & Goggin, who represented Guadalupe Hernandez; and Beiler's attorney, Eric J. Appelbaum of Thomas, Thomas & Hafer, each did not return a call for comment.

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