

**Construction Negligence: Worker Falls Through Roof Panel****Settlement:****\$2,165,000****Plaintiff Attorney:** Lawrence R. Booth  
(Booth & Koskoff), Torrance**(310) 515-1361****Court:** Pomona**Date:** 5/93**Case:** Earle vs. Aerojet, et al.**EAC 068 527**

**Facts:** 9/3/87: Plaintiff, in his late 20's, was working as the foreman for a roofing subcontractor on a remodeling job on a large building at Aerojet. The Plaintiff's company was in the process of spraying polyurethane foam material to create a new roof to be applied to an approximately 40 year-old galvanized metal roof. Approximately six

Page 4

Tri-Service

May 1993

months prior to the Plaintiff's accident there had been a previous accident to another roofer involving minor injuries which led to a general shut down and a purported replacement of all dangerous and defective roof panels. The Plaintiff's leg went through a defective roof panel which had not been replaced, causing his knee to strike a beam.

**Injuries:** Knee injury. **Treatment:** Nine surgeries, including a partial knee replacement and ultimately a full knee replacement with a number of corrective procedures. Plaintiff may have future knee surgeries.

**Medical Costs:** \$150,000 paid by carrier

**Loss of Earnings:** \$30,000 per year or approximately \$700,000.

**Other:** \$300,000 total lien.

**Contentions:** Defense Dumarc Construction Company argued that the particular panel in question was not replaced either because of a negligent inspection by the architect and engineer hired by the owner Aerojet or because of negligent damage to the particular panel by the Plaintiff's employer. Dumarc had refused to participate in the selection of panels to be replaced and therefore was not responsible for this particular panel not being replaced.

**Settlement:** Settled for \$2,165,000  
\$1,500,000 was paid by the General Contractor Dumarc, \$650,000 by Aerojet and \$15,000 by the structural engineers.

**Editor's Note:** This exceeds the previously reported U.S. record for knee injuries which had been set in 1985 at approximately \$1,300,000.

\* \* \*