

\$2 Million Construction Site Settlement

February 4, 1999

Joseph Imburgia, a 46 year old Local Union 147 painter, obtained a \$2,000,000 settlement for injuries he suffered on November 23, 1992. Imburgia, who was employed by TRB Decorating Company, 914 West Hubbard, Chicago, Illinois, sustained a fractured ankle, which ultimately resulted in a fusion, when he fell six feet from an unprotected, unguarded Baker's scaffold. In November 23, 1992, Imburgia was assigned by TRB Decorating Company to the 175 West Jackson Boulevard building to perform painting tasks in their freight elevator room. TRB Decorating Company supplied Imburgia with equipment, including the Baker's scaffold upon which he was working at the time of the fall. A Structural Work Act action was filed on Imburgia's behalf against the building owner, Chicago Exchange Building Association, Inc., 175 West Jackson Boulevard, Chicago, Illinois and its realty agent Helmsley-Spear of Illinois, Inc., 175 West Jackson Boulevard, Chicago, Illinois.

Edward G. Willer of Corboy & Demetrio, who represented Imburgia, marshaled ample evidence that Helmsley-Spear was "in charge of" Imburgia's painting activities on the date of the occurrence and that it was serving as a general contractor for on-site TRB Decorating Company painters. Imburgia was, at the time of the occurrence, painting a wall when his scaffold unexpectedly shifted, due to his failure to lock out all four casters. Imburgia then fell between the wall and the scaffold, landing on his feet onto a marble floor. Willer maintained that both defendants violated the Structural Work Act by allowing Imburgia to use a Baker's scaffold without a mid-rail and without having all four casters secured. Imburgia has not returned work as a painter. The case was settled before Judge Donald J. O'Brien of the Law Division of the Circuit Court of Cook County on February 1, 1999.

Attorneys

- Edward G. Willer

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