



(l-r:) Attorney Mariano García, client Manuel Casas, and attorney Matthew Schwencke.

relieve pressure, a craniotomy, a splenectomy, and a tracheostomy. A feeding tube had been installed through his abdomen and a catheter for urination.

Following his release from the hospital, Mr. Casas continued to suffer from weakness on his left side, much like a stroke victim. He could move about only with the use of a wheelchair. He had to wear a rubberized helmet to protect the area where skull tissue had been removed. Mr. Casas' wife was at his side every step of the way, helping him through his surgeries, therapy, and limited recovery. Typical of brain injuries, Mr. Casas will endure epileptic seizures, physical pain, and clinical depression for the rest of his life. In addition, he will require nursing care and constant medications.

Mr. Casas, whose first language is Spanish, was represented by SDSBS attorneys **Mariano García**, who is bilingual, and **Matthew Schwencke**. At trial, TC Crum acknowledged that it had a duty to protect its employees, but argued that Mr. Casas was not Crum's employee because he was not on its payroll. TC Crum attempted to blame Roberto Gonzalez for the accident, arguing that Mr. Casas was Mr. Gonzalez' employee or the employee of another roofing company allegedly affiliated with Mr. Gonzalez. Both Gonzalez and a representative of the roofing company implicated by TC Crum testified at trial that they had nothing to do with TC Crum's job. TC Crum even argued that since the job was so small, use of fall protection devices such a safety rope and lanyard were an unsafe "tripping hazard" and actually more dangerous than using the legally required safety equipment.

Despite TC Crum's attempts to blame others, evidence and testimony at trial showed that TC Crum was solely responsible to ensure safety and supervision of the jobsite. Importantly, the jury clearly understood that Mr. Casas was to be paid \$100 by TC Crum for his work that day, money he was never paid. After a six-day trial, a Palm Beach County jury found in favor of Mr. Casas and returned a verdict for him in the amount of \$3.2 million. ♦

Frayed cable breaks, dumping two tons of cement blocks on worker

Due to negligent repair of cable, worker suffers serious injuries.

Everyone is familiar with the old saying, "It hit me like a ton of bricks." What is usually only a figure of speech turned into an on-the-job, life-altering injury for William Jackson when two tons of cement construction blocks crashed onto him as he was off-loading them from the back of his employer's boom-truck. Although bones in his neck were fractured, and his back, shoulder, hand, and ankle were injured, Mr. Jackson was able to crawl away from the debris. As he did so, he saw that the cable holding the blocks on the truck, which had been "repaired" the previous day, had snapped, dumping the blocks onto him. Mr. Jackson had surgeries to fuse vertebrae in his neck and to reconstruct his shoulder. He is now forced to walk with a cane, he can no longer work, and he will continue to live with pain and permanent injuries.

Mr. Jackson received some benefits through the workers' compensation system, but was left with substantial medical bills and workers' compensation liens. After the workers' compensation case was settled, the SDSBS team of **Jack Scarola** and **Patrick Quinlan** took on Mr. Jackson's case and sued the company chosen by Mr. Jackson's employer to repair the frayed cable. Unfortunately, the case was substantially complicated by the fact that the broken cable had long since disappeared and, apart from Mr. Jackson himself, there were no eyewitnesses.

Despite these obstacles, the SDSBS team filed a civil suit on Mr. Jackson's behalf, proceeding on the theory of "negligent repair." The lawsuit settled shortly before trial for \$575,000. By successfully negotiating the medical bills and workers' compensation liens, SDSBS was able to greatly reduce Mr. Jackson's financial obligations and deliver a significantly higher portion of the settlement to Mr. Jackson than he would otherwise have received. ♦

