

\$2 million settlement for severe injuries caused by defective crane

Negligence of facility/equipment owners and operators resulted in failure to secure hazardous equipment

(To provide confidentiality for all parties in this legal action, names of all persons and companies have been changed.)

Florida native Mike Smith was born and raised in Jacksonville, Florida. In late 2021, 36-year-old Mike was working as a superintendent for Jones Services, a Florida-based industrial contractor. Mike is a skilled mason and welder. He has worked for Jones a long time, in Florida and around the world, on projects to refurbish industrial furnaces used in factories. Mike and his wife live in rural North Carolina with their teenage children.

In October 2021, Company A, a manufacturer of cast-iron products used in underground utilities, contracted with Jones to refurbish its furnaces. Company A operated a facility in Hialeah, Florida, immediately next door to Company B, a manufacturer of precast concrete products used in underground utilities (i.e., cement culverts, pipes). Both companies were owned by parent-corporation, Company C.

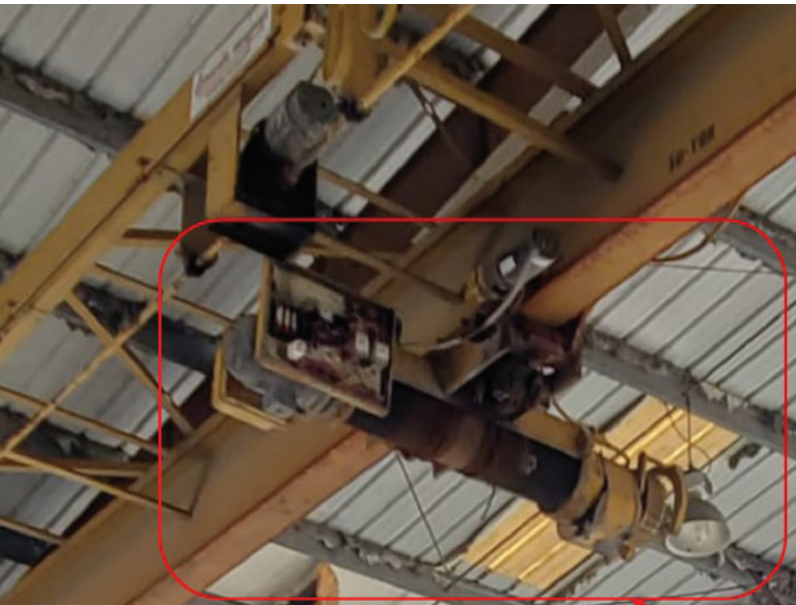
Jones entered into a contract with Company A which required Company A to provide a work area with power, water, compressed air, and crane services. The contract also required Company A to notify Jones of any potential hazards associated with the execution of the scope of work in the contract. Company A confirmed in writing that such services would be provided. When work started in November 2021, Mike and his colleagues were directed to a large warehouse called Pad 8 for their work area. Pad 8 was part of Company B. The warehouse contained two overhead trolley cranes (10-ton and 20-ton) capable of hoisting any item from the floor below. As Jones workers arrived at the site the first day, they noticed Company A workers re-establishing utility services and reconnecting electrical power to the cranes at Pad 8. Following the set-up, Company A conducted a safety meeting attended by the Company A plant manager and Mike's boss. The meeting included instructions on using the cranes. The cranes appeared to operate properly, and the remote controls for the cranes were given to Mike's boss.

Company A plant manager stated later that he had obtained permission to use Pad 8 and its cranes from the general manager of Company B. In following testimony, Company B's general manager stated that he had approved Company A's use of Pad 8, but had not approved use of the cranes.

He added that the remote controls had been secured in his own office, that the cranes had not been used for over a year, and that the power was off. That inaction would have rendered the equipment dangerous to use unless reinspected and tested. The Company B general manager said he had not been asked by Jones for permission to use the cranes. He was under the impression that the cranes were still disconnected from a power source. The cranes had not been locked-out (made inoperable) or tagged-out (flagged with a notice that they were unsafe). No further effort had been made to ensure the cranes would not be used. He did not know how the remote controls were removed from his office and given to Jones.

A required annual inspection of the cranes had been conducted in May 2020. It revealed several notations of critical parts of the crane that were in poor condition. According to a crane safety expert, safety regulations would have required the cranes to be locked-out and tagged-out as inoperable by Company B or by Company C as the owners. The next inspection, due in May 2021, was not conducted because Company B was closing their company. In October 2021, one week before Jones' contract with Company A was signed, Company C sold Company B. Company A and Company B no longer shared common ownership. At that time, the cranes still did not exhibit any indication that they were out of compliance, and therefore a hazard.

The upper limit switch on the crane was not operating properly (testimony by a Company A representative was that it was “backwards”). As the form began rising, the hook reached its upper limit. Instead of automatically stopping the lift effort, the crane continued to pull on the cable creating stress until the cable snapped. The large metal block with hook and chains broke loose and fell on Mike, striking his head and breaking his back.



10-Ton trolley single girder under-running overhead crane.

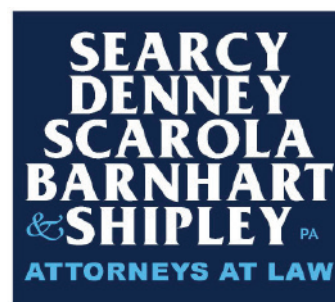
The contract between Jones and Company A required refurbishing three large steel drums in the “hot section” of the furnace by relining the drums with a heat-resistant concrete called refractory. Wood forms would be placed inside the drums and refractory poured into the drums. Once the refractory cured, the wood forms would be removed. In November 2021, Mike and his colleagues began work on Company A’s contract. Mike, an experienced crane operator, took the remote control of the 10-ton crane, hooked the crane to one of the wood forms inside a drum, and began to lift the form out of the drum. The upper limit switch on the crane was not operating properly (testimony by a Company A representative was that it was “backwards”). As the form began rising, the hook reached its upper limit. Instead of automatically stopping the lift effort, the crane continued to pull on the cable creating stress until the cable snapped. The large metal block with hook and chains broke loose and fell on Mike, striking his head and breaking his back.

Mike endured months of medical procedures and rehabilitation. He is no longer able to work as a mason or welder or to perform other work involving significant physical effort. Mike’s wife has become the caregiver and primary breadwinner for the family. Their dreams of turning their rural home into a working farm were disappearing. With the help of Searcy Denney attorney **Mariano Garcia**, claims were filed against Jones Services, Company A, Company B, and Company C. Before trial, the parties reached a settlement of \$2 million. Mike’s world and that of his family is forever changed. He is now searching for a new career that will be compatible with his physical limitations. ♦



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