

# Clark Law Firm Recovers \$1.9 Million for Laborer who Fell from Job-Made Box on Construction Site in New Jersey

*New Jersey Injury Lawyers Gerald H. Clark and Lazaro Berenguer Recover \$1.9 Million for Laborer Who Fell From Job-Made Box on Construction Site in Branchburg.*



BELMAR, NEW JERSEY, UNITED STATES, June 22, 2023 /EINPresswire.com/ -- [Clark Law Firm](#) was successful in securing for its client, Bruno Dos Santos, a \$1.9 million settlement of a construction injury case. The project was the construction of a new Hilton Homewood Suites Hotel in Branchburg, N.J.



For over 7 years, the defense delayed and obstructed the discovery process, refused to acknowledge bad conduct and refused to pay fair compensation, but we refused to take 'no' for an answer."

*Gerald H. Clark, Esq.*

At the time of the incident, Friday, October 10, 2014, Bruno, and a co-worker had been directed to install a rubber membrane around the windows on the second floor of the hotel. They had been directed to get into a job-made wooden box sitting on top of a forklift lull about 12 feet high to reach the window area. At the end of the day, a supervisor for the general contractor supervisor called to the workers in the box to tell them the job was wrapping up for the day. In response, their weight shifted, and they fell 12 feet down with the box.

The general contractor and developer of the hotel was Briad Construction Services, LLC. Briad hired the defendant Edgewood Contracting Corporation ("Edgewood") as a subcontractor to do rough framing and install windows and rubber sealant. Edgewood, in turn, sub-subcontracted much of that work to Apogee Builders. The injured workers were direct employees of Apogee Builders.

The Occupational Safety and Health Act ("OSHA") was passed in 1972 to address scores of injured and killed workers on construction sites, especially from falls. The lynchpin of this legislation is that there has to be top-down safety management on a construction site. The general contractor has to make sure each tier down the construction chain follows the OSHA safety rules

so that workers and others who come on job sites are not harmed.

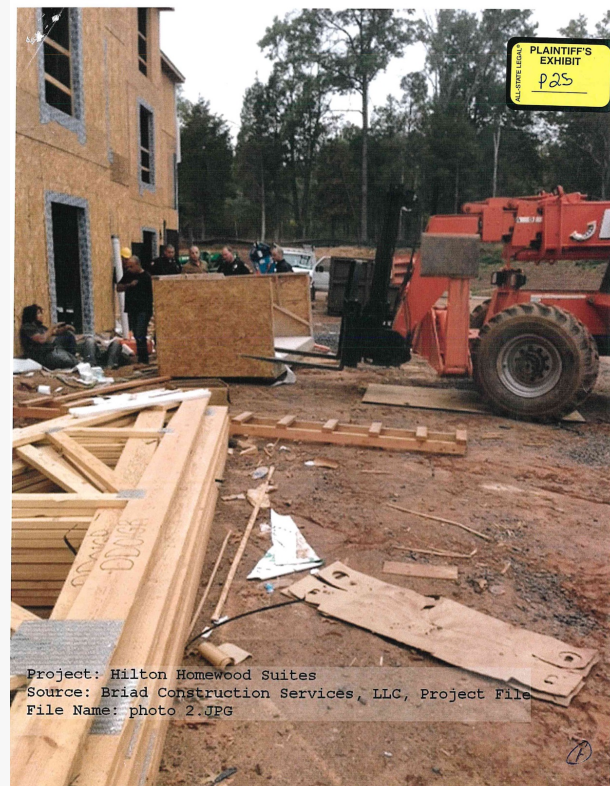
This case alleged the developer in many ways ignored these safety rules to make the job go faster and open the hotel as soon as possible. Experts concluded that following the safety rules and protecting workers takes a bit more and according to their project manager, "Delays will cost Briad money on the job." And therefore, "You always want them to push more." The case alleged that permitting subcontractors to direct their workers into unsecured job-made boxes sitting on forklifts was among many ongoing safety violations on the job and that the same kind of thing continued even after this happened. The case also alleged that the subcontractor Edgewood Contracting Corporation also failed to meet its responsibility to manage safety with respect to its subcontractor, Apogee Builders.

The project manager for Briad testified several times that workers were never in job-made boxes on forklifts before the incident. Clark Law Firm fought very hard to have the defense turn over all information related to the project and sifted through thousands of documents and photographs. This testimony was proven to be false, view the above photo showing the project manager and another Briad manager looking directly at this very thing only 10 days before these workers fell.

As a result of the 12-foot fall, Bruno Dos Santos broke three ribs and punctured a lung. He also suffered a lumbar transverse fracture in the low back and a herniated disc in the neck. He also sustained a left shoulder rotator cuff and labral tear for which he underwent arthroscopic surgery. His total past medical bills were about \$40,000.



Workers Are Looking at the Job-Made Box



A Photo of the Construction Site with the Job-Made Box

As a result of the incident, the plaintiff claimed he was not able to return to his previous employment and maintained a total wage loss claim of \$468,000. There was a total worker's compensation lien of \$55,500.

The [case settled](#) for a total amount of \$1.9 million in May 2023 as part of an extended mediation with the Honorable Jamie Happas, a retired judge who served as the Civil Presiding Judge of the Middlesex County Superior Court. The insurance company for Briad paid 55% of the total settlement (\$1,045,000 Dollars) and the carrier for Edgewood paid 45% (\$855,000). The case had previously been submitted to non-binding court-ordered arbitration in July 2022 where the arbitrator awarded the plaintiff \$500,000, which the Clark Law Firm found insufficient and rejected on behalf of its client.

Gerald Clark, Esq., the Principal of the Clark Law Firm, served as lead counsel on the case and Lazaro Berenguer, Esq. served as second chair. Both Clark and Berenguer are Certified Civil Trial Attorneys. Clark commented, "We fought the insurance companies in this case for over seven years. When the defense delayed and obstructed the discovery process, refused to acknowledge the bad conduct and refused to pay fair compensation for the harms and losses this conduct caused, we refused to take 'no' for an answer. They tried really hard to wear us down. We were fully prepared to bring this case before a jury. We are pleased with the result we obtained."

Berenguer also commented, "This was a hard-fought battle; however, we are glad that we were able to recover fair and just compensation for an injured worker, who - but for God's grace - could have been killed, due to defendants allegedly placing the love of max profits over the sanctity of human life."

The case was filed in Middlesex County in 2016- Docket Number MID-L-5381-16. It was later transferred to Essex County- ESX-L-478-18. An extensive case brief [court filing laying out](#) the allegations in detail is available.

If you need legal assistance, please contact Clark Law Firm P.C. directly at 1-877-841-8855.

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