



# VERDICTSEARCH NATIONAL

## PENNSYLVANIA

### PREMISES LIABILITY

## Property Owner Liable for Fall in Produce Market

**SETTLEMENT:** \$2,500,000

**CASE** Thomas Colace, Sr. and Dolores Colace v. Philadelphia Fresh Food Terminal Corp. t/a Philadelphia Regional Produce Market, February 2001, No. 0192

**COURT DATE** Philadelphia Court of Common Pleas  
8/8/2002

**PLAINTIFF**

**ATTORNEY(S)** Steven G. Wigrizer, Wapner, Newman, Wigrizer & Brecher, Philadelphia, PA

**DEFENSE**

**ATTORNEY(S)** Thomas A. McCormack, Naulty, Scaricamazza & McDevitt, Philadelphia, PA  
Angelo L. Scaricamazza, Naulty, Scaricamazza & McDevitt, Philadelphia, PA

**FACTS** A man who was injured in a slip and fall reached a \$2.5 million settlement with the company that was responsible for the property.

In 2000, Thomas Colace, 65, was walking at the Philadelphia Regional Produce Market, where his produce company leased space. The ground was allegedly wet and snowy and Colace slipped and fell on a diamond-grated metal plate at the bottom of a ramp.

In 2001, he and his wife Delores sued the property's sublessor, the Philadelphia Fresh Food Terminal Corp., as well as various other property owners who were eventually dropped from the suit. Colace claimed that a hazardous condition was created by the metal plate being placed on the ground upside-down, with the smooth side up. The defense agreed that this was the case, but that responsibility was never established. The defense was prepared to argue that Colace was aware of the condition and assumed responsibility by walking on the surface.

**INJURIES** Colace suffered a right pelvic/acetabular fracture and was diagnosed with hematuria. He suffered a complex fracture in his right leg, requiring reconstructive surgery, and approximately four months of rehabilitation. He was left with a permanent limp, can only walk with the use of a cane, and claimed he was no longer able to fulfill his responsibilities as president of his company. He sought damages for past medical expenses, placed at \$87,684.67, lost earnings, estimated at approximately \$1.9 million, loss of future earnings, estimated at approximately \$2 million to \$3.8 million, as well as pain and suffering, mental anguish, loss of life's pleasures and loss of consortium. Dolores Colace sought damages for loss of consortium.

**SETTLEMENT** On Aug. 8, 2002, before the start of a trial, a settlement was reached giving the plaintiffs \$2.5 million.

**PLAINTIFF**

**EXPERT(S)** Robert P. Wolf, Ed.D., vocational rehabilitation, Cherry Hill, NJ  
Lawrence Dinoff, engineering  
Frank Tinari, Ph.D., economics, Livingston, NJ

**DEFENSE**

**EXPERT(S)** James A. Stavros, CPA, accounting, Philadelphia, PA  
Earl Lightman, safety management, Cherry Hill, NJ

**INSURER(S)**

St. Paul Fire and Marine Insurance Company for Philadelphia Fresh Food Terminal Corp.