



VERDICTSEARCH

NEW JERSEY

HUNTERDON COUNTY

PREMISES LIABILITY

Negligence

Man Fell Through Hole in Roof Left by Contractor

VERDICT **\$5,054,554**

CASE Frederick J. Ferrari, D.D.S. v. Helmstetter Development Group, Robert M. Helmstetter Builders-Appraisers, Robert M. Helmstetter, John Does 1-10, ABC Partnerships and/or ABC Corporations 1-10, No. HNT-L-324-00

COURT Superior Court of Hunterdon County

JUDGE Rosemarie Ruggiero-Williams

DATE 11/13/2002

PLAINTIFF

ATTORNEY(S) Thomas Chesson, Porzio, Bromberg & Newman, Morristown, NJ

DEFENSE

ATTORNEY(S) James Bride, Leary, Bride, Tinker and Moran, Cedar Knolls, NJ

FACTS In 1999, plaintiff Frederick Ferrari, a 64-year-old orthodontist, went on the roof of his Flemington office to cover leaks with a plastic sheet. While walking across the roof, he fell through an opening into the building measuring two-feet-by-four-feet. The opening was left there by Helmstetter Development Group, of Annandale, N.J., which was in the process of installing a skylight.

As a result of the fall, Ferrari fractured his vertebrae and is now paralyzed.

He sued Helmstetter and its owner, Robert Helmstetter, claiming negligence for not placing a guard rail around the hole in accordance with OSHA regulations.

The defendants contended that Ferrari was negligent for walking on the roof to repair the leaks.

INJURIES *Fracture, T11, paraplegia*

The plaintiff fractured his T-11 vertebrae and is now paralyzed below the waste. He has lost bowel, bladder and sexual function. Confined to a wheelchair, he will need future care, including assisted living.

RESULT The jury awarded the plaintiff \$5,054,554, but also found 20% negligence on his part, reducing the award to \$4,043,643.20. However, prejudgment interest of \$548,722.37 results in a net award of \$4,592,365.57.

FREDERICK J. FERRARI

\$146,839 past medical cost
 \$1,245,715 future medical cost
 \$262,000 home modification expenses
\$3,400,000 pain, suffering
 \$5,054,554

OFFER The defense offered \$500,000 a week before trial.

TRIAL DETAILS

Trial Length: 6 days
 Trial Deliberations: 4 hours
 Jury Poll: 6-0
 Jury Composition: 3 female, 3 male

CASE STATUS The defense filed a motion for a new trial, before settling all claims for \$4 million.

PLAINTIFF EXPERT(S)

Frank D. Tinari, Ph.D., economics, Livingston, NJ
Linda Lajterman, life care planning, Ramsey, NJ
Elliot Goldstein, construction, West Orange, NJ
Abbott Krieger, M.D., neurosurgery, Livingston, NJ

DEFENSE EXPERT(S) None reported

INSURER(S) Selective Insurance of Branchburg for Helmstetter Development Group, LLC

Dave Venino