

# Injured worker settles for \$6M

## HVAC installer fell through opening at construction site

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A construction worker who was injured when he fell through an opening in the floor on a construction site received a \$6 million settlement.

Eduardo Guzman, then 28, was working on a construction site in a west Wrigleyville neighborhood in March 2017.

Guzman, an HVAC installer

for TDH Mechanical in Chicago, was hired to install a new HVAC system on the second floor of the Wrigleyville construction site.

H&H Contracting brought in a carpenter to create a large opening in the floor of the second story of the building for a staircase to be installed in the future. Guzman maintains the floor opening was left unguarded and uncovered.

Guzman was working near the floor opening and claims that he complained to his foreman about the floor opening, but was told to be safe.

Masonry contractors with Hera Construction and North Shore Brickwork & Windows, Inc. were also hired to perform work on the second floor and allegedly left plywood on the ground near the opening, Guzman claims.

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Guzman said while working on the site he stepped on the piece of plywood, which was overhanging the edge of the opening. When the plywood gave way, he fell nearly 20 feet onto gravel.

The fall resulted in multiple fractures to his right wrist, pelvis and ribs, as well as soft tissue injuries to his right shoulder. The open fracture of his right wrist required three surgeries and developed into post-traumatic arthritis.

Guzman can never return to construction work, according to his attorneys.

Guzman alleged general contractor Phoenix Community Builders, the construction manager, carpenter and subcontractor with H&H and the masonry subcontractors with Hera and North Shore, along with his employer, TDH Mechanical, were negligent in causing his injuries.

Construction manager Prairie Management & Development and construction site owner Rockwell Properties, LLC, were also involved in the settlement.

Guzman claims all of the defendants violated OSHA regulations and industry safety standards by failing to inspect the jobsite and have the floor opening guarded or covered. Guzman also claimed they were negligent for failing to remove the plywood on the ground in a timely matter.

The parties agreed to settle the case pre-trial on April 22. Cook County Circuit Court Judge Thomas Lyons presided.

Guzman was also awarded a \$348,000 workers' compensation lien waiver.

Guzman was represented by Richard L. Pullano, Mathew T. Siporin and Michael Pullano of Pullano Law Offices.

The settlement "will ensure that [Guzman] and his family are financially protected in the future," said Richard Pullano.

"By holding Phoenix and the other contractors responsible, we sent a clear message to the construction industry that safety matters and they will be held accountable for their wrongful conduct on job-sites," Siporin said.

Prairie Management & Development and Rockwell Properties were represented by Amy L. Anderson of Brenner, Monroe, Scott & Anderson, as well as Timothy V. Hoffman of Sanchez, Daniels & Hoffman. They declined to comment.

Phoenix Community Builders was represented by Christopher J. Pickett of Lindsay, Pickett & Postel, LLC. He declined to comment.

TDH Mechanical, Inc. was represented by James D. VanRheeden of Quinn, Johnston, Henderson, Pretorius and Cerulo.

H&H Contracting was represented by Michael J. Ripes of Ripes, Nelson, Bag-got & Kalobratosos.

Hera Construction was represented by J. Jason Coggins of Wiedner & McAuliffe, Ltd.

North Shore Brickwork & Windows, Inc. was represented by Michael Charysh and John Beribak of Charysh & Schroeder.

None of those attorneys could be reached for comment.

The case is *Guzman v. Phoenix et al.*, No. 2017 L 3510.