

suits & deals

\$1.25M for Construction Site Injury

Cooper v. Tri-Gems Builders: A worker who suffered a brain injury in a fall from scaffolding at a West Windsor construction site settled his claim on Oct. 24 for \$1.25 million.

On April 4, 1995, Joseph Cooper, of Landing, was installing pipe insulation on a new addition to a building owned by American Cyanamid, the pharmaceutical company. The scaffolding that Cooper was working from suddenly rocked and he fell about 10 feet, hitting his head on the concrete floor below.

Cooper, who was 58 at the time, fractured his skull and suffered brain hemorrhaging, says his attorney, **John Voynick Jr.**, of Cedar Grove's **Renda & Voynick**.

Cooper's brain injury caused hearing loss and a loss of cognitive functions, including the ability to process information, says Voynick, and while the condition has improved, Cooper still suffers severe headaches and memory loss, and needs help with daily activities.

Cooper sued Tri-Gems Builders of

Cedar Brook, the general contractor, and Smith Plumbing and Heating Inc., of Cherry Hill, the plumbing subcontractor.

According to Voynick, Smith Plumbing and Heating hired Cooper's employer, Joa-Lyn Enterprise Inc., of Montville, to install the pipe insulation.

The suit, filed in Morris County, alleged that proper safety procedures were not followed at the site and that, as a result, Cooper was not wearing a safety belt and lifeline that could have prevented his fall. According to Voynick, American Cyanamid, the owner of the building, also was sued but was dismissed from the case on summary judgment.

The parties settled after a private mediation session before **Peter Ciolino**, Bergen County's former assignment judge who is now of counsel to Hackensack's **Harwood Lloyd**.

Voynick says that the \$1.25 million is to be paid in cash, with two-thirds of the settlement to be paid by The PMA Group, which insures the now bankrupt Tri-Gems Builders.



John Voynick Jr.

Selective Insurance Co., which insures Smith Plumbing and Heating, will contribute the other one-third of the settlement, says Voynick.

Tri-Gems Builders was represented by **Patrick Robinson** of Somerville's **Robinson & Glorisi**. **Patrick Hughes**, an associate with East Hanover's **Passman, Dougherty & Zirulnik**, represented Smith Plumbing and Heating. Robinson and Hughes did not return telephone calls seeking comment.

— By **Randall J. Peach**