

# He settles for \$2M, but his life still unsettled

An injured plumber says he'd trade in the money in a heartbeat to have his leg back to the way it was

By **FRANK DONNELLY**  
STATEN ISLAND ADVANCE

A former plumber from Grymes Hill walks with a cane now and can no longer work after his foot was mangled five years ago in a construction accident in Fort Wadsworth.

While the recent settlement of his lawsuit for \$2.15 million is some measure of consolation, Robert J. Mann said he'd trade in the cash in a heartbeat to have his leg back the way it was.

Mann, 51, received \$1.15 million from Ascend Construction Management, the general contractor on the job, and \$1 million from Ascend's agent, Tomar Construction LLC.

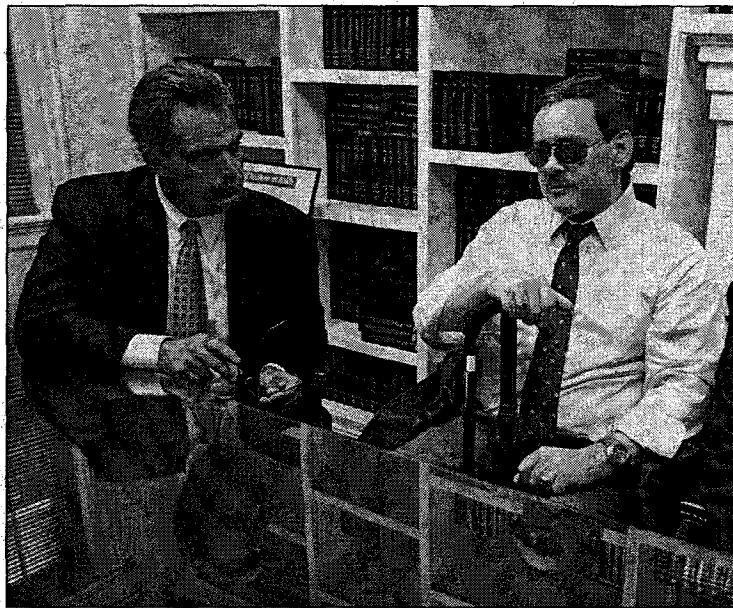
Mann worked for Indus Mechanical Contractors of Raritan, N.J.

"It's devastating to have your livelihood taken away from you in one fleeting moment," Mann said in the West Brighton office of his lawyer, John G. O'Leary. "No amount of money is worth that."

According to court papers, Mann suffered a compound fracture of his left ankle on March 14, 2000, when he fell about 15 feet. He was working on an A-frame ladder, soldering a pipe joint inside Building 208 as part of a renovation project.

O'Leary, who handled the case with his partner, Michael E. McMahon of the law firm of O'Leary, McMahon & Spero, said the ladder was not secured. It also straddled an open trench filled with pipes, the attorney said.

"He should have been provided with a secure scaffold



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Attorney John O'Leary, left, discusses the case with Robert J. Mann, who settled his lawsuit against a construction company for \$2.15 million.

rather than a flimsy A-frame ladder to do his assigned task," O'Leary said.

Mann tumbled off the ladder and fell into the trench. His foot became tangled in the pipes, said O'Leary and the resulting fracture required surgery.

The plaintiff sued the defendants in state Supreme Court, St. George. He alleged they violated the state Labor Law by failing to provide him with a safe place to work or with required safety devices.

Justice Philip G. Minardo assisted in the settlement, which was reached after jury selection, said O'Leary.

Mann, a member of Local 1, Plumbers, and Pipefitters Union, said he cannot work due to his injuries.

The husky plaintiff, who sports a mustache and wears his auburn-colored hair in a ponytail, also said he no longer lifts weights and rarely socializes because of his difficulties in getting around.

Mann's injuries will stay with him the rest of his life. He said he hopes his case serves as a wake-up call to contractors to comply with mandated safety standards.

"This settlement illustrates the rights of the worker and sends a message to the contractors that OSHA (the federal Occupational Safety and Health Administration) is all the workers have to protect them," he said.

"So many times, plumbers, electricians and other trade workers are assigned to do work that is dangerous and may not comply with OSHA regulations and other laws," Mann added.

An attorney for Tomar Construction declined to comment and an attorney for Ascend Construction was unavailable for comment.

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