

Lawsuit settled for \$1.6 million

ADVANCE STAFF REPORT

A former Stapleton resident has agreed to accept \$1.6 million to end his lawsuit in connection with a July 1994 on-the-job accident that left him with a fractured right knee.

The plaintiff, Peter Blake, was working July 24, 1994, as a carpenter for his employer, Angela Construction Services Inc., when he fell from a scaffold while putting Sheetrock on a room that was to become part of Daffy's Inc., a discount clothing store located in the Herald Center Building in Manhattan, court papers show.

Blake, who now resides in the Bay Ridge section of Brooklyn, had been on the job for five days when the accident occurred.

The plaintiff's attorney, John G. O'Leary, a partner in the law firm O'Leary & McMahon, argued that the equipment provided to Blake to accomplish his work was "insufficient and dangerous" causing him to fall from the scaffold resulting in his injuries.

Blake, who was 45 at the time of his accident, sustained a fractured right knee and required surgery. According to court documents, Blake remained disabled from his employment due to his injuries, which O'Leary charged resulted in "significant" lost earnings.

Blake's attorneys, according to court papers, filed a lawsuit against the building owner, John Hancock Mutual Life Insurance Co., as well as the General Con-

tractor, C.M. Roberts Group Inc., and the tenant, Daffy's Inc.

O'Leary alleged the defendants violated state labor law which provides protection to all construction workers in every trade "throughout the city and state of New York."

The defendants' attorneys argued that Blake's injuries were caused by his own negligence.

As a part of the settlement, Blake's attorneys were able to negotiate a complete waiver of the workers' compensation lien, \$140,000.

"Usually, a construction worker is required to pay back the workers' compensation carrier for workers' compensation benefits paid as a result of a construction accident. We were able to apply the necessary loopholes and applicable law which required the workers' compensation carrier to waive its entire lien," O'Leary said.

Defendant John Hancock Mutual Life Insurance Co. was represented by the Manhattan law firm Turner & Owen; C.M. Robert Group Inc., was represented by Ahmuty, Demers & McManus, also Manhattan. Daffy's Inc., was represented by the Manhattan law firm of Michael C. Tromello. Angela Construction Services Inc., was represented by F.V. Mina, also Manhattan.

The settlement was reached during a trial before Justice Irving S. Aronin in Brooklyn Supreme Court.