



2010 WL 2031640 (N.Y.Sup.)
For docket see [0012901/2007](#)

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Supreme Court, Eleventh Judicial District, Queens County, New York.

Robinson Duran Urena v. Ciampa Estates, LLC. and Sano Construction Corp.

No. 12901/07

DATE OF VERDICT/SETTLEMENT: February 11, 2010

TOPIC: CONSTRUCTION - LABOR LAW - CONSTRUCTION - ACCIDENTS - SLIPS, TRIPS & FALLS - FALL FROM HEIGHT

Parties Debated Presence of Scaffold in Worker's Accident

SUMMARY:

RESULT: Mediated Settlement

Award Total: \$1,250,000

The parties settled the case prior to jury selection at mediation before Hon. John DiBlasi. Urena recovered \$1.25 million. Ciampa Estates paid the entire settlement with \$1 million coming from its primary carrier and \$250,000 coming from its excess carrier.

EXPERT WITNESSES:

Plaintiff: [Conrad Berenson](#); Economics; Woodbury, NY [Mark Ramnauth](#); Vocational Rehabilitation; Mineola, NY

ATTORNEYS:

Plaintiff: [Adam M. Orlow](#); The Orlow Firm; Flushing, NY (**Robinson Duran Urena**)

Defendant: [Stewart Greenspan](#); Rubin, Fiorella & Friedman; White Plains, NY (Ciampa Estates, LLC, Ciampa Estates, LLC); None reported (Sano Construction Corp.); Alissa Mendys; Weiner, Millo & Morgan, LLP; New York, NY (Sanita Construction Co.)

JUDGE: [John P. DiBlasi](#)

RANGE AMOUNT: \$1,000,000-1,999,999

STATE: New York

COUNTY: Queens

INJURIES: When Urena fell, the metal snap-tie he was holding hit the ground and snapped back into his eye. He also claimed to have injured his back, sustaining lumbar derangement. He underwent surgery to his eye, and a few weeks later he had a second surgery.

Facts:

On Feb. 17, 2006, plaintiff **Robinson Duran Urena**, 35, construction foreman, was standing on scaffolding at 3401 Bruckner Blvd., in the Bronx, at the top of a foundation approximately 9 feet above the ground when he fell.

Urena worked for Sanita Construction, which was hired by Ciampa Estates LLC to build the foundations for 47 two-family homes.

Urena sued Ciampa Estates, LLC and Sano Construction Corp., alleging negligence and violations of

§§ 200, 240 and 241 of the New York State Labor Law. Sano Construction was thought to be the general contractor but was actually an unrelated subcontractor and was let out of the case.

Ciampa Estates named Sanita Construction Co. Inc. as a third-party defendant.

Plaintiff's counsel contended that at the time of the accident, Urena was helping a worker who was having trouble putting a snap-tie into the wall. When he put pressure on the snap-tie, it broke and then the scaffolding he was standing on broke, causing him to fall to the ground, plaintiff's counsel argued.

A witness for the defense claimed that he saw the accident and that there was no scaffolding involved. The witness claimed that Urena climbed up the wall about 2 feet, stood on one of the snap-ties, and then lost his balance and fell.

Following the accident, Urena was taken to the emergency room. No future treatment was claimed for his eye. He did claim that he would need future treatment for his back, but no specific medical expense claims were made.

After missing a few weeks of work following the occurrence, Urena worked for approximately one year following the occurrence until he had a second accident at a different construction site. After that, he did not return to work.

Urena sustained a permanent and complete loss of vision to his left eye. He also claimed that his inability to work was due to the first accident. He also claimed to have continuing pain in his back.

Insurer:

Markel Insurance Co. Inc. for Ciampa Estates and Sanita Construction (excess)

Risk Management Services Inc. for Ciampa Estates and Sanita Construction (primary insurer)

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Queens Supreme

PUBLISHED IN: VerdictSearch New York Reporter Vol. 27, Issue 47

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