

# Missouri Lawyers

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## WEEKLY

### ■ \$966,960 SETTLEMENT

# Science center staffer gets nearly \$1 million after fall

#### PREMISES LIABILITY

- **Breakdown:** \$637,500 from Alberici and Castle, \$112,500 from Consolidated, \$216,960 in workers' compensation
- **Venue:** St. Louis Circuit Court
- **Case Number/Date:** 1422-CC10226/Aug. 23, 2016
- **Plaintiff's Experts:** Corey Solman, St. Louis, (medical)
- **Caption:** Joan Alter v. Alberici Constructors, Inc., Castle Contracting LLC, United Fence Contractors Inc. d/b/a Consolidated Fence Company
- **Plaintiff's Attorney:** Mark Cantor of Cantor Injury Law, St. Louis
- **Defendant's Attorneys:** Robert J. Wulff, Evans & Dixon, St. Louis (for Castle); Erica Briscoe of Baty, Holm, Numrich & Otto, St. Louis (for Consolidated); Derek Ruzicka of Pitzer Snodgrass, St. Louis (for Alberici); Scott Annunziata of Missouri Employers Mutual, St. Louis (on workers' compensation claim)

#### BY DAVID BAUGHER

*Special to Missouri Lawyers Media*

A woman who suffered injuries after stumbling over a protruding pipe from a covered construction fence will receive nearly a million dollars between workers' compensation and the settlement of a liability suit.

Joan Alter, an employee of the St. Louis Science Center, was walking in from the parking lot when she tripped over a support from a temporary barrier, said her attorney Mark Cantor, of Cantor Injury Law. The fencing was hidden with a tarp and the piping in question stuck out just after she turned

the corner, Cantor said.

"She didn't see it. She fell forward and injured her shoulder and her knee," Cantor said. "She ended up having a total shoulder replacement as a result. It was our position that was a dangerous hidden condition of property and that it was a construction defect."

Alter fractured her right knee in addition to injuring her left shoulder. Cantor said the injuries forced her to retire.

The plaintiff filed suit against three contractors involved and eventually received three-quarters of a million dollars from them. Alberici Constructors and Castle Contracting paid \$637,500 with the remainder coming from Consolidated Fence Company.

Alter also received more than \$216,960 in workers' compensation. Cantor obtained a waiver of subrogation in the matter so that his client would not have to return any of that money after the award. Alter received a total of \$966,960 for the case.

"That is sometimes an obstacle to resolution because you've got to pay back the monies that were paid in workers' compensation but in this case we were able to convince the Science



Mark Cantor

Center to settle the case with a waiver of subrogation," he said. "In exchange, it closes out the case forever on any future medical or other issues."

The Science Center was never sued for liability in the matter, he said.

Initially the defendant contractors denied that the issue was a defect and contended it was open and obvious, Cantor said. However, he said there was little dispute over the extent of damages.

"I think everyone believed that she had serious injuries from this," he said. "Workers' compensation accepted it."

Cantor said he resolved the workers' compensation matter first so as to obtain the waiver.

Erica Briscoe of Baty, Holm, Numrich & Otto was listed as representing Consolidated Fence and Derek Ruzicka of Pitzer Snodgrass was listed as representing Alberici. Both declined comment. Robert J. Wulff of Evans & Dixon was listed as representing Castle Contracting. He did not return a call requesting comment.

Cantor said Scott Annunziata represented the defense in the separate workers' compensation matter. He did not return a request for comment. **MO**