
ESIS®

Effective Path to Claims Investigation & Management

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Basic Investigation

- Immediate response to accidents
- Engagement of defense counsel & independent adjustment
- On site Investigations, Incl. Negative Statements
- Statement of the injured worker(s)
- Fact witness statements;
- Photographs of the accident
- Preservation of Evidence
- ID all potential Parties
- Contracts/C.O.I
- Utilize Experts
- Police; EMT; Emergency response reports.
- Daily Work Logs;
- Photographs of the accident
- Evaluate Jurisdiction Issue

New York Labor Law

- New York Labor Law **Section 200**: Common Law duty to provide workers with a safe place to work.
- New York Labor Law **Section 240(1)**
 - Non Delegable Duty
 - Risk associated with Gravity
 - Limited Defenses – No Comparative Negligence
- New York Labor Law **Section 241(6)**
 - Violation of Construction Code(s)
 - Violation applied to facts of case

Case Study 1

- Carpenter Foreman 43 years old (Injured) and 2 co employees erecting Scaffolding
- Missing planks and used scrap wood in basement of project
- Plank was defective – saw cut
- EE Fell 40 below on concrete floor
- CAT Injuries T9-L2, Paralyzed below waist
- Future Loss wages \$2.7MM; Year one Medical \$850k
- Case Value and settlement \$13MM at mediation

Case Study 2

- **Window Installer 50 years old installing film at Lobby Level**
- **“Borrowed” owners 16 Ft A Frame ladder.**
- **Ladder Collapsed – EE fell to marble Floor**
- **Ladder was discarded**
- **Injuries Right Ankle Fracture – Non Union**
- **3 Additional surgery(s) and subsequent below Knee amputation**
- **Pre trial Settlement \$9.7MM**

Case Study 3

- Lather Apprentice 25 years old, working on 10th Story of building
- EE was working on interior of building, unclear why at building edge.
- 3 Weeks on job and completed Fall Protection Training
- Impact of negative statements(no Witnesses)
- EE fell 10 story – Fatal accident
- Early settlement \$1.8mm

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