



\$22.6 Million

Case: *Francois v. Tutor-Saliba Corp.*, Los Angeles Superior Court, No. BC 130677

Type: Personal injury

Plaintiff's Attorney: Lawrence P. Grassini, above, Grassini & Wrinkle, Woodland Hills

Defense Attorneys: Everett S. Hinchcliffe and John Ramey, Carrick & Dale, Los Angeles

Trial Judge: Alexander Williams III

Date of Verdict: Aug. 8, 1996

Status: On appeal

Personal Injury

A construction foreman, paralyzed from the neck down after a fall from unsafe scaffolding, brought a suit and won a hefty jury verdict.

According to the attorney for Michael Francois, the \$22.6 million jury verdict awarded to the 40-year-old foreman represented the largest verdict ever for a quadriplegic in California.

Francois' injury occurred in 1994 when he was an employee of Alcorn Fence Co. Following the damage to the Los Angeles Coliseum caused by the Northridge earthquake, Tutor-Saliba Corp. was hired as the general contractor to handle repairs and subcontracted Alcorn Fence to erect chain link cages around Department of Water and Power substations.

On July 23, 1994, Francois was working on the roof portion of a chain link enclosure when the scaffolding he was working on tipped. The resulting 16-foot fall paralyzed Francois from the neck down.

"The Coliseum was pressuring to have the stadium ready to go for the Los Angeles Raider season, so Tutor, the contractor, was pushing the subcontractors on a daily basis," said Lawrence Grassini, the attorney for the plaintiff. "As a result, they were ignoring safety requirements."

According to Grassini, Tutor-Saliba failed to ensure that the scaffolding Francois was standing on was secure and failed to require safety harnesses for the subcontractor's employees.

"We were very fortunate to find a couple of photos that were taken during the construction that showed the type of scaffolding that resulted in the accident," Grassini said. "The defense took the position that

they looked the way they did because they were in a transition stage, but the jury didn't buy it."

Defense attorney Everett S. Hinchcliffe of Carrick & Dale argued that Tutor-Saliba didn't have notice that the activities Francois was engaged in would be dangerous.

After a 26-day trial and four days of deliberation, the jury found in favor of Francois and awarded him \$22.6 million, including \$150,000 to his wife, Brenda, for loss of consortium. The verdict was later reduced to \$19.4 million because the plaintiff's employer was found to be 15 percent negligent and the plaintiff 5 percent negligent.

On Oct. 1, 1996, the court denied defendant's motion for a new trial and judgment. The court also granted plaintiff's motion to amend the judgment to add an additional \$540,606.71 pursuant to *Torres v. Xomox Corp.*, which allocates worker's compensation benefits between economic and non-economic damages pursuant to Proposition 51.

A notice of appeal has been filed and according to Hinchcliffe, there are a number of grounds for a possible reversal. In addition to possible procedural errors, he noted that the law is unsettled in regards to the duties of general contractors to the employees of its subcontractors and that the California Supreme Court currently has a couple of cases before it that may clarify the issue.

— Alex Chun