



Paraplegic Settles Suit Over Workplace Injury for \$5M

Fernandes *v. Bear's Nest Developers, Inc. et al.*: A Newark carpenter who fractured his spine in a fall at a construction site settled his case against a Park Ridge developer and its subcontractor for \$5 million on Dec. 22.

Under the settlement reached before Essex County Superior Court Judge Kenneth Stein, Celestino Fernandes, 35, will receive \$2.1 million in cash, \$5,000 a month for life compounded at 3 percent a year for future wage losses, and \$120,000 in college funds for his two daughters.

Fernandes' attorney, Michael Forrester, a partner with Clark's Perrotta, Fraser & Forrester, says the settlement is valued at \$8.5 million in guaranteed payouts.

The accident occurred on April 2, 1997, when Fernandes was working as a carpenter's supervisor at the Bear's Nest Townhouse Development site in Park Ridge. He tripped and fell from an incomplete and unprotected plywood deck into a foundation hole.

Fernandes suffered a burst fracture of a vertebrae and was left a paraplegic.

Forrester argued that the developer, and the subcontractor for which Fernandes worked, Lynn O'Rear Contractors Inc. of Fairfield, were liable for the injuries. He contended that they failed to meet Occupational Safety and Health Administration guidelines requiring a temporary guardrail or other safety measure around the plywood deck.

Bear's Nest's insurers, Reliance Insurance Co. of Chicago and Lexington Insurance Co. of Boston, will pay \$4.1 million in annuity costs and cash. Lynn O'Rear's carrier, Selective Insurance Co. of Branchville, will contribute \$925,000 in cash toward the settlement.

Bear's Nest was represented by Mauro Casci, a Leonardo solo practitioner, who did not return a telephone call seeking comment. Gregory Irwin, a partner with Hackensack's Harwood Lloyd, who represented Lynn O'Rear, declined to comment on the liability issue but confirmed the settlement amount.

— By Matt Ackermann