

A12 • MONDAY, OCTOBER 25, 2004 • DAILY BUSINESS REVIEW

JURY VERDICT & SENTENCE

\$1.24M AWARDED TO WORKER WHO FELL THROUGH ROOF

Case: Gabriel Gonzalez v. Kellogg Partners, H.R.M. Realty Inc. and Ayco Development Corp. General Partners d.b.a. Palmetto Lakes Realty Associates LTD.

Case No.: 97-23938 CA 25, Miami-Dade Circuit Court

Judge: Fredricka Smith

Trial date: Oct. 5, 2004

Filing date: Oct. 21, 1997

Plaintiff attorneys: Daren Stabinski of Stabinski & Funt, Miami; Ronald D. Rodman and Daniel Gilfarb of Friedman Rodman & Frank, Miami; and Pamela Beckham of Beckham & Beckham, North Miami Beach

Defense attorneys: Michael Kraft and Michael Wolensky of Conroy Simberg Ganon Krevans & Abel, Hollywood

Details: On July 10, 1995, Gabriel Gonzalez, 40, sustained several severe injuries after he fell 20 feet through the roof of a Miami warehouse. His fall was broken by an air-conditioning duct.

Gonzalez, a roofer employed by Anchor Roofing, was a member of a crew that was removing the building's old roof when he stepped on a wooden board covering a hole and plunged to the ground. Gonzalez suffered a fractured ankle, a fractured shoulder, herniated discs, a knee sprain, dizziness, blurriness and headaches.

The fractures required surgery and Gonzalez also needed neurological treatment.

He sued the New York-based managers of the warehouse for medical expenses and lost wages.

Plaintiff's case: Attorneys for Gonzalez argued that the roof had been tarred over, hiding the boarded-up hole from view. Stabinski said that Anchor was never given access to the inside of the warehouse, where the

hole, which was possibly a skylight, would have been visible.

"The evidence was that from the inside of the unit you could see the skylight. Whoever had done this [boarded up the hole] had tarred the whole thing over so you wouldn't know it was there," Stabinski said.

Stabinski argued that the property management companies should have known about the hole since at the time of the accident they had owned the warehouse for 13 years. The warehouse was three years old at the time Palmetto Lake Realty purchased it.

Defendants' case: Kraft did not respond to a phone message seeking comment. Stabinski said that the management companies argued that they did not know about the hole in the roof.

The defense also argued that the accident was the roofing company's fault, since other employees knew about hole's existence for up to 15 minutes before the accident but failed to inform Gonzalez.

The defense also put one of Gonzalez's supervisors on the stand, who testified that the board had been removed when Gonzalez fell.

Outcome: On Oct. 5, a jury found that Palmetto Lakes Realty and its subsidiaries were 70 percent liable for Gonzalez's injuries. The jury found Gonzalez 10 percent liable and assigned 20 percent of the liability to Anchor Roofing.

Gonzalez was awarded \$159,000 in past medical expenses, \$80,000 in lost earnings, \$400,000 in future medical expenses, \$300,000 for past damages and \$561,000 for future damages.

After accounting for Gonzalez's liability, a judgment for \$1.24 million was entered on Oct. 14. ♦

— Jessica M. Walker