



Our Passion.
Your Excellence.™

FLYNN|WIRKUS|YOUNG

ATTORNEYS AT LAW

JURY VERDICT IN EXCESS OF \$1 MILLION IN FAVOR OF CLIENT IN CONSTRUCTION SITE ACCIDENT

FWY partner Mike Flynn represented a construction superintendent, a resident of New York, who was working on a long term project in Massachusetts. As he was exiting a fast food restaurant he stepped into an excavated area which was part of a construction site where a vestibule was being added to the restaurant's building. The excavation was being done for the footings of the vestibule's foundation.



The restaurant's contractor had left the job site earlier that day but had failed to surround the excavated area with warning tape as required by OSHA regulations and the fast food restaurant's own internal guidelines. FWY's client fell, after stepping into the excavated area, onto his shoulder suffering a permanent stretch injury to the

brachial plexus group of nerves where they came through his shoulder girdle. FWY's client was not able to return to work given the severity of the injuries. Suit was brought against the restaurant and its contractor.

After a month long trial in Massachusetts Superior Court the jury returned a verdict which, with interest, exceeded \$1 million. The jury rejected the defendants' argument that the incident was entirely FWY's client's fault for failing to see the excavated area, that he was exaggerating his injuries, and that his injuries were psychosomatic in nature.

FLYNN|WIRKUS|YOUNG, P.C. is a sophisticated firm of trial attorneys, rated AV® Preeminent™ by Martindale-Hubbell. We are a medium-sized firm dedicated to the practice of civil litigation in New England, the Northeast and across the U.S. At FWY, we put our passion to work to ensure your excellence. We develop a creative approach to suit each of our clients' individual needs. To us, conventional wisdom is never good enough.

More information pertaining to additional specific results will be provided upon request. Prior results do not guarantee a similar outcome.

FLYNN|WIRKUS|YOUNG, P.C.
350 Granite Street
Suite 1204
Braintree, MA 02184
(617) 773-5500

FLYNN|WIRKUS|YOUNG, P.C.
48 North Water Street
New Bedford, MA 02740
(617) 773-5500

FLYNN|WIRKUS|YOUNG, P.C.
80 Huron Street
Buffalo, NY 14202
(716) 858-3112



Michael B. Flynn
mflynn@flynnwirkus.com



Lori A. Wirkus
lwirkus@flynnwirkus.com

