New York Appellate Court Affirms Victory in World Trade Center Case for General Contractor

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A New York team including Partner Christian H. Gannon and Associate Joel Merchant, obtained an appellate victory in the Appellate Division, First Department of the New York Supreme Court, on behalf of a general contractor in a New York Labor Law construction case. The plaintiff sustained injuries while working on the reconstruction of the World Trade Center and claimed that he was permanently unable to work as a result. He also alleged that the incident necessitated hip replacements on both sides. At trial, plaintiff's counsel sought $17,000,000 from the jury. Prior to the verdict, an offer of $2,500,000, was declined.

At trial, the jury awarded $460,000 for past pain and suffering and $230,000 for past lost earnings, totaling $690,000. No awards were given for future pain and suffering, future lost earnings or for past and future loss of consortium. An appeal followed.

On appeal, the argument was that the plaintiff's degenerative avascular necrosis (AVN) was the true cause of his hip surgeries and inability to work.

In today's decision, the appellate court affirmed the verdict, including the AVN defense, with one adjustment: an additional $40,000 was awarded for past loss of consortium, while no award was granted for future loss of consortium.

This trial and appellate success was made possible by the exceptional efforts of the entire MG+M The Law Firm trial team, which also included Paralegals Mary Spillane and Aaron O'Rourke, Medical Legal Consultant Sophia Larig, and Legal Administrative Assistant Jackie Perez, all based in the New York office.

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