

And The Defense Wins

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Michael McClaren



Webster Szanyi LLP partner and DRI member [Michael McClaren](#) secured a defense verdict on behalf of the American National Red Cross in Labor Law 240 case *John Gyllenhammer and Denise Gyllenhammer v. The American National Red Cross*.

On April 19, 2018, a jury returned a unanimous defense verdict in a Labor Law 240 case where a Plaintiff who fell from a ladder claimed severe shoulder and knee injuries, and an inability to continue gainful employment. Plaintiff's pretrial settlement demand was \$1.8 million. No settlement offer was ever made. The case was tried over one week in Syracuse, New York, in the United States District Court for the Northern District of New York. Plaintiff, a laborer, asserted that he fell from a ladder and suffered disabling injuries to his shoulder and knee; both requiring surgery. Plaintiff claimed that the owner of the building in which the renovation work was being performed failed to provide him with adequate and appropriate safety equipment to allow him to run thermostat wire and install temperature sensors in several offices. Plaintiff claimed that the ladder provided to him was inadequate, and that the deficient ladder caused him to fall from a height.

The jury of six women and two men returned a unanimous verdict finding that the ladder provided was adequate to allow the Plaintiff to safely perform the work at issue. The jury rejected the testimony of the Plaintiff's safety expert who offered the opinion that various other types of equipment were better suited for the work at issue, and that the ladder provided was deficient. The jury accepted the defense position that it was the Plaintiff's misuse of the ladder that was the sole cause of the accident.

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