

\$1.8 Million Dollar Settlement for Product Liability Action



Painter settles for \$1.8 million in lawsuit over scaffold collapse

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By ROBERT E. MISSECK

A \$1.8 million settlement has been reached in a lawsuit brought by a Lakewood man who fell from a defective scaffold while working on the renovation of the state Assembly building.

The out-of-court agreement for 43-year old Joannis Aspras and his wife, Linda, was finalized Friday before Superior Court Judge Miriam N. Span in Elizabeth.

Aspras, a Greek immigrant and a painter for 20 years, suffered several herniated discs on August 16, 1990, when the scaffolding collapsed and he fell about seven feet onto the roof of the building, according to court papers.

Attorney David Mazie said his client has had three operations on his back and has steel rods and other hardware implanted to stabilize his spine.

Court records showed two of the operations involved spine fusions using bone grafts from his hip. The third was to remove the herniated discs.

Mazie said Aspras, a father of two grown children, used to work 50 hours a week, but the accident has left him "a virtual prisoner of his house, with no hope of returning to his employment."

He was working for the Claremont Painting and Decorating Co. at the time. The company had been subcontracted by Lehrer McGovern & Bovis Inc. of Princeton, the general contractor, according to his attorney.

Aspras was "scraping off old paint from an air monitor, which is a large chimney-like structure on the Assembly building's roof," his lawyer said.

He said the scaffolding had been built by Deerpath Construction Corp. of Union Township, which used a defective clamp manufactured by the England-based Joseph Shakespeare & Co. Ltd.

Aspras filed suit against the general contractor, Deerpath, the clamp's manufacturer, as well as Frank DeLucia Inc. of Pennsylvania, which supplied the defective clamp and other scaffolding materials to Deerpath.

Also named in the suit were Edge Scaffolding of Laguna Niguel, Calif., and the British Steel Co., which are the handlers of the clamp in the United States.

Under the terms of the agreement, \$967,091.23 will be paid by Deerpath and Lehrer McGovern & Bovis Inc., \$668,000 by Frank DeLuccia Inc., \$130,000 by the clamp's British manufacturer and \$35,000 by the manufacturer's West Coast distributor.