



Faulty railing leads to fall, \$3.47M settlement

By: Heath Hamacher ◉ June 15, 2017

A 48-year-old man who suffered numerous fractures when he fell through railing while working at a manufacturing plant has settled his premises liability suit for \$3.47 million, his attorney reports.

Many of the details of the case were withheld pursuant to a confidentiality agreement.

According to the man's attorney, David Yarborough Jr. of Yarborough Applegate in Charleston, the man was working as a subcontractor in 2015 at the plant, which manufactures and distributes railing systems. He leaned against a railing that gave way, Yarborough said, and fell to the ground below. He reportedly suffered numerous orthopedic injuries, including fractured heels on both feet, a fractured femur, a fractured pelvis, and fractured lumbar vertebrae.

In his lawsuit, the man alleged negligence and a design defect in the railing and fall protection system.

Defense counsel argued that the man was not properly tied off with his safety harness when he fell, that he was comparatively negligent, and that the product was safe as designed.

Yarborough said his client underwent numerous surgeries and had approximately \$250,000 in medical bills. He added that future medical care and pain management will cost an estimated \$972,000.

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SETTLEMENT REPORT – PREMISES LIABILITY/DESIGN DEFECT

Amount: \$3,740,000

Injuries alleged: Numerous fractures

Case name: Withheld

Court: U.S. District Court for the District of South Carolina

Case No.: Withheld

Judge: Withheld

Date of settlement: May 11

Attorneys for plaintiff: David Yarborough Jr. and David Lail of Yarborough Applegate in Charleston; Steven Goldberg of the Steinberg Law Firm in Charleston; and Sean Claggett of Claggett Sykes Law Firm in Las Vegas

Attorney for defendant: Withheld

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