

Work site brain damage results in \$3.1M settlement

By: Phillip Bantz December 31, 2013

Frederick L. Richardson was working at a condominium complex when a roofing truss crashed down onto his head, leaving him with a brain injury and spurring a negligence lawsuit that was settled for \$3.1 million.

Richardson alleged that the defendant subcontractor, Jose F. Lourenco of Maxima Homes, threw the truss from fourth floor of the condo building, said one of his attorneys, William E. Applegate IV of Yarborough Applegate in Charleston.

Lourenco contended that he had accidentally dropped the truss and asserted that Richardson was comparatively negligent because he was not wearing a hard hat. He also disputed the severity of Richardson's injuries, said his attorney, Christopher M. Adams of Collins & Lacy in Columbia.

But Adams noted that the case ultimately settled because a default judgment had been entered against Lourenco, which prevented him from introducing any witnesses or evidence during a damages hearing.

"I would have been limited to cross examining [Richardson's] witnesses and experts," Adams said. "Based on that, we settled it for a small fraction of what he would have attempted to obtain at a damages hearing."

According to Applegate, Richardson was diagnosed as having a traumatic brain injury along with chronic facet syndrome, which entails neck and back pain. His experts had estimated that Richardson faced more than \$4.5 million in future medical costs.

Applegate said his physician expert likened Richardson's brain injury to a "frontal lobotomy," which caused memory loss, depression, sleep disorders and headaches. He added that pain management and attendant care accounted for the majority of Richardson's expected medical expenses.

"The damages were the big issue," he said. "In all brain injuries, that's where you're going to have the most significant discovery and dispute."

Lourenco's insurers covered the settlement, which was reached Nov. 12 through mediation, according to Applegate.

SETTLEMENT REPORT: BRAIN INJURY

Case name: *Richardson v. Lourenco, et al.*

Case number: 2011-CP-26-4449

Court: Horry County Court of Common Pleas

Date of settlement: Nov. 12

Amount: \$3.1 million

Attorneys for plaintiff: William E. Applegate IV, David B. Yarborough Jr. and Douglas E. Jennings (Charleston)

Attorneys for defendants: Christopher M. Adams (Columbia)