

McCusker Obtains Defense Verdict for FHMS

In December, 2017, Quinn McCusker of Fowler Hirtzel McNulty & Spaulding received a no cause/defense verdict for his client after a jury trial. The plaintiff fell on interior stairs in an apartment building owned by our client. The 55 year old union insulator suffered a closed fracture of the right patella and a ruptured right patellar tendon which required surgical repair. The plaintiff also brought a claim for 10 months of lost wages. The last demand in the case was for \$250,000.

Liability allegations included improper installation of a non-code compliant handrail and improper maintenance of the common area stairs. The defense presented by Mr. McCusker emphasized plaintiff's decades of accident free usage of the steps which included thousands of safe trips without reported incident. Our liability expert countered the testimony of plaintiff's expert, emphasizing plaintiff's testimony that his hand was on the railing at the time of his fall. Thus, the railing performed it's essential function, regardless of specific code compliance.

After a three day trial, the jury returned a unanimous verdict for the defense.