



\$1.7M for Worksite Accident



Joseph Ginarte



Richard Winograd

By Henry Gottlieb

Cruz v. Castro: A floor installer who suffered burns over 70 percent of his body accepted a \$1.7 million settlement on Aug. 14 in a suit against the general contractor and the flooring manufacturer.

Marco Cruz, 24, of AC Hardwood Flooring, was applying a lacquer sealer to a hardwood floor in Hoboken

on Sept. 12, 2005, when the vapors were ignited, apparently by the pilot light of a water heater behind a closed door, and set him on fire, says his lawyer, *Richard Winograd* of Newark's *Ginarte O'Dwyer Gonzalez Gallardo & Winograd*.

Winograd sued in Hudson County, accusing general contractor Steven Castro of Hoboken and his company,

JJJ Contracting, of knowingly hiring an incompetent contractor, AC Hardwood Flooring, who should have ensured there was no flame in the area.

The suit also alleged that the sealer's manufacturer, Harco Chemicals of Brooklyn, provided an inadequate warning of the product's dangers.

Winograd says the case settled while Superior Court Judge *John O'Shaughnessy* was considering a dismissal motion by Harco, arguing the claim was pre-empted because it sought to impose labeling not required by the Federal Hazardous Substances Act.

Harco and JJJ also brought third-party actions against AC Hardwood Flooring, alleging that it wasn't the plaintiff's employer and therefore wasn't immunized by workers' compensation.

Winograd says the allocation between the defendants was not disclosed and the workers' compensation lien of \$500,000 was compromised to \$400,000.

AC Hardwood's lawyer, *William Pfister Jr.* of the *Mauro Casci* firm in Leonardo, was on vacation last week and not available for comment. JJJ Contracting's lawyer, Jared Stolz of Flemington, was not in the office and did not respond to an e-mail. Harco lawyer *Vincent Reilly* of *Coughlin Duffy* in Morristown declines to comment.