



\$2M for Work-site Accident

By Michael Booth

Porras v. American International Tool Industries Inc.: A Trenton house painter left paraplegic by a 20-foot fall accepted \$2 million on May 5 to settle his Essex County Superior Court suit.

On Oct. 18, 2007, Carlos Porras Espinoza, now 44, while painting a house in South Orange, was using a Paint Shaver Pro paint-scraping machine, made by American International Tool Industries Inc. of Rhode Island, while on a 24-foot extension ladder. He was



Joseph Ginarte

using both hands, became unsteady, lost his balance and fell. He suffered a broken vertebrae and is now a paraplegic, says his attorney, *Joseph Ginarte* and *Richard Winograd*, of *Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd*, in Newark.

Porras, an employee of subcontractor Beautiful Colors Inc., alleged that general

contractor Rutgers Painting Inc. of Vauxhall required him to use a machine that was unsafe at that height, and that American International failed to warn that precautions should be taken when using the scraper above certain heights.

The carriers for Rutgers Painting, the Selective Insurance Co., and for American International, Nationwide Insurance Co., settled for their policy limits of \$1 million each.

Selective retained *Patrick Coyne*, of *Romando Zirulnik Sherlock & DeMille* in Hamilton, to represent Rutgers Painting. Nationwide retained *Michael Salvo*, of *Ahmuty Demers & McManus* in Morristown, to represent American International.

Salvo confirmed the amount of the settlement. Coyne did not return a call.

The settlement will be offset by a \$328,980 workers' compensation lien.