Hand Safety and Injury Prevention Fatality File

Brooklyn construction worker wins $3.4 million lawsuit after losing finger

A construction worker from Brooklyn was recently awarded $3.4 million in a lawsuit after a workplace accident nine years ago forced him to have the ring finger on his right hand amputated.

Leslie Smith, the then-61-year-old plaintiff, was mixing cement at a construction site for a three-story building located at 17 Lefferts Place on Jan. 21, 2010. Smith was waiting for coworkers who were positioned on a scaffold to signal to him to send up the next bucket of cement using a rope and pulley system when an unsecured plank came crashing down on his right hand.

According to Smith's attorney, after the plank fell about 30 feet and crushed his hand underneath an iron bar, Smith ran, tripped and fell on his left shoulder and right knee.

Attorney Karen Emma, counsel to the Law Office of Stefano A. Filippazzo, tried the jury trial over four days in front of Hon. Lorna McAllister in Kings County Civil Court. The plaintiff was awarded $1.4 million for past pain and suffering and $2 million for future pain and suffering.

Dr. Barry Katzman testified that the plaintiff had to have his right ring finger amputated after it became gangrenous. The plaintiff also suffered a tendon tear in his right shoulder and further knee injuries.

The building was owned by TNTR Management LLC, the general contractor was MRM Development Company, LLC and the subcontractor was the Roy D. Defendants. The defendants were held to be jointly

and severally liable pursuant to Labor Law Section 240.