

PRESS RELEASE

Marion County, Florida Jury finds General Contractor Liable for \$2.4 Million to Family of Steelworker Killed on Project in Ocala

A Marion County, Florida jury has awarded \$2.4 million to the wife and two young children of a steel erector killed while working on the National Parts Depot expansion project in Ocala on January 15, 2010. After a nine day trial, they jury returned a verdict against R.L. Haines Construction, LLC, the general contractor for the project, finding that R.L. Haines engaged in conduct which it knew was virtually certain to result in the death or injury of Victor Lizarraga.

Mr. Lizarraga was an employee of a subcontractor on the project, Metal-Bilt Construction, and was killed instantly when a 33 foot tall steel column fell on him. The column which fell had been erected earlier that morning and was secured to a concrete slab with four anchor bolts previously installed by a different R.L. Haines subcontractor. The anchor bolts were installed into the concrete slab with a special epoxy adhesive that required a cure time to elapse before any steel could be erected on the bolts. Mr. Lizarraga's survivors presented evidence at trial that R.L. Haines was aware that the epoxy adhesive cure time had not elapsed before instructing Metal-Bilt to begin erecting steel columns, and the column that killed Mr. Lizarraga fell as a result. In awarding the damages, the jury also found R.L. Haines Construction deliberately concealed or misrepresented the known danger.

Kirwin Norris, P.A. is pleased to have represented the Plaintiff in this matter.

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Family of worker killed by falling steel column wins \$2.4M verdict

By Vishal Persaud

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A Marion County jury has awarded \$2.4 million in damages to the family of an Orlando man who was killed by a falling steel column at an Ocala construction site in 2010.

Victor C. Lizarraga, 33, was working on a project to expand the National Parts Depot warehouse in Ocala in January 2010. The company he worked for, Meta-Bilt Construction, was subcontracted to erect a metal building at the site.

Lizarraga's family argued that R.L. Haines Construction, the general contractor, was negligent and failed to follow proper procedures, which led to the fall of the steel column.

R.L. Haines had hired another subcontractor that was responsible for pouring 12-inch thick concrete slabs, drilling holes, and placing anchor bolts in them that would secure 1,750-pound steel columns.

The columns would then be put up by workers from Metal-Bilt Construction, for which Lizarraga worked.

Lizarraga's family — his widow, two biological children and three step-children — alleged in the wrongful death suit that the subcontractor failed to follow specific protocols to secure the anchor bolts with an epoxy system, a mixture of two chemical compounds that forms an adhesive.

The lawsuit alleged that the subcontractor didn't properly mix and apply the epoxy, which did not properly cure. An employee of R.L. Haines had assured crews that the epoxy had enough time to cure and that the steel columns could be in put in place.

The loose anchor bolts caused a steel column to fall on Lizarraga as he and fellow employees were busy erecting them on the morning of Jan. 15, 2010.

"Due to the sudden and unexpected nature of this incident Mr. Lizarraga had no ability, opportunity or time to get out the way of the falling column," the lawsuit stated.

The lawsuit also alleged that the general contractor misrepresented the danger of the epoxy adhesive not having enough time to cure.

An investigation by the Occupational Safety and Health Administration found that protocols to use the epoxy adhesive weren't followed correctly.

Lizarraga's family sought damages for the lost income that he would have earned during the rest of his lifetime, the cost of medical bills and funeral expenses, and for severe mental pain and suffering.

"We always had faith when a jury got to hear what happened, that they would make the right decision," said Brian P. Kirwin, the attorney who handled the family's case.

R.L. Haines was the only party in the case that was taken to trial. Lizarraga's family was able to reach monetary settlements with some of the other parties.

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