



\$1.31M Workers' Comp Award

Cordeiro v. Danny's Construction Co.: A construction contractor rendered a paraplegic by a worksite fall won a \$1.31 million workers' compensation judgment on Dec. 21.

On June 17, 2010, Daniel Cordeiro, then 51, owner of Danny's Construction of Newark, was working with two employees at an Asbury residence he and his wife owned. While on the roof installing a skylight, Cordeiro fell through a hole they had cut and landed on the concrete floor, says his lawyer, **Dennis Baptista** of **Livingston Siegel DiMarzio Baptista** in Nutley.

Cordeiro suffered spinal cord damage, fractures to seven cervical and thoracic vertebrae — requiring fusion and laminectomy procedures

— and other injuries. He filed a claim with the company's workers' compensation carrier, The Hartford, arguing his company was the general contractor on the job.

The carrier argued that Cordeiro's health insurer should pay because the injury occurred during a personal pursuit and was not work-related.

On Dec. 21, Workers' Compensation Judge **Theresa Yang**, sitting in Elizabeth, found Cordeiro's injury was compensable and arose out of his employment. Yang ordered The Hartford to pay medical bills, reported by Cordeiro at \$960,000, and a \$350,000 disability payment, with additional disability benefit payments for at least 450 weeks.



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COMPENSABLE EMPLOYMENT INJURY: **Dennis Baptista** argued successfully that the workers' compensation carrier, not the health insurer, should pay.

The Hartford's lawyer, **Mark Setaro** of **Weber Gallagher Simpson Stapleton Fires & Newby** in Cherry Hill, says the medical costs must be reviewed and the \$960,000 figure could change. He adds that the parties agreed to stay payment pending appeal by **Graham Curtin** of Morristown, The Hartford's appellate counsel.

— **By David Gialanella**