

JONES, SKELTON & HOCHULI ATTORNEYS OBTAIN DEFENSE VERDICT SAVING CLIENT \$3.75 MILLION

April 20, 2015 | Case Summaries, News



Bodamer v. View Builders – Plaintiff, a 58-year-old welder, alleged that he fell

through an unprotected hole in the floor (where a staircase was to be installed) in a large worksite in Flagstaff, AZ. Defendant general contractor, represented by [Jeremy Johnson](#) and [Ed Hochuli](#) of Jones, Skelton, and Hochuli, was the general contractor for the project. Defendant Wallace Steel Services was contracted to erect and install the steel staircases and Defendant Arizona Bridge & Iron was hired by Defendant Wallace Steel Services to provide the labor necessary for the erection and installation of the steel staircases. Plaintiff was employed by non-party, Yavapai Mechanical, which was to install furnaces and air conditioning units, as well as running the ductwork through the walls.

Plaintiff alleged that Defendant, as the general contractor for the worksite, failed to appropriately discover and correct dangerous conditions at the worksite and failed to hire safe subcontractors. Plaintiff also alleged that Defendant Arizona Bridge & Iron's employee had removed the safety railings from the stairwell while Plaintiff was working in the area prior to the fall, and that the employee forgot to replace the railing when he completed his work.

Defendant general contractor denied liability, advancing the defense that Plaintiff was an experienced construction worker, who had worked at the jobsite for several months prior to the fall. Defendants alleged that Plaintiff could not prove that he had not simply fallen down the stairs or, in the alternative, that Plaintiff was carrying trash at the time of his fall, was inattentive, and walked right through the danger tape.

Plaintiff alleged he sustained permanent injuries to his head, right eye, and his feet. Plaintiff also alleged he has continuing bleeds in his brain, plus blood in his right eye, which interferes with his sight, as a result of a skull fracture. Additionally, Plaintiff sustained multiple fractures to his feet and toes. Plaintiff also alleged that, as a result of his injuries, he is unable to perform his occupational duties.

Plaintiff claimed severe and permanent injuries and a total economic loss exceeding \$3 million and made a claim for punitive damages. Defendants argued that Plaintiff's complaints had resolved within days after his fall, and any ongoing complaints were related to his preexisting condition. Defendants called a neurosurgeon and an orthoped.

The court granted the Defendants' Motion for Judgment as a matter of law, on the issue of punitive damages. Plaintiff's spouse made claim for loss of consortium. In closing, Plaintiffs requested that the jury award \$3.75 million. Defendants asked for a defense verdict. The jury was out for approximately two hours and found in favor of the Defendants.

[Ed Hochuli](#) is a founding partner of Jones, Skelton & Hochuli and now serves as Of Counsel. Throughout his 30+ year legal career, Ed was a dedicated trial attorney, trying more than 150 civil jury trials to verdict.

[Jeremy Johnson](#) concentrates his practice on the defense of clients in the areas of trucking and transportation, wrongful death and personal injury, product liability, and premises liability. He serves as the firm's Transportation, Automobile Products, and General Liability Trial Group Leader.