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## VERDICTS & SETTLEMENTS

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### Woman Receives Seven-Figure Sum for Hard to Prove Injury *Ward v. AT Systems Inc.*

#### \$2.5 Million Settlement

**Date of Settlement:**

Sept. 11, 2008.

**Court and Case No.:**

E.D. Pa., 2:07-CV-04249.

**Judge:**

Robert F. Kelly.

**Type of Action:**

Workplace injury.

**Injuries:**

Reflex Sympathetic Dystrophy.

**Plaintiff's Attorneys:**

Thomas Duffy and Ken Fulginiti, of Duffy & Partners, Philadelphia.

**Plaintiffs' Experts:**

Dr. Stephen Boyajian, Dr. Irene Mendelsohn, Kathleen Corrigan and David Hopkins

**Defense Counsel:**

John S. Tucci Jr., of Marshall Dennehey Warner Coleman & Goggin, Philadelphia.

**Defense Experts:**

Dr. Nathan Shwartz, Dr. Wilhelmina Kervaar, Dr. Jasen Walker.

**Comment:**

A former bank teller supervisor received \$2.5 million in a mid-trial settlement for injuries associated with a 2005 incident in which a box of dimes fell on her foot and leg during a delivery.

Gina Ward, who was 41 at the time



**DUFFY**



**FULGINITI**

of the incident, was counting boxes of coins at her Citizen's Bank branch on Nov. 15, 2005, when Keith Snipes, an employee of AT Systems Atlantic Inc., was attempting to remove a hand-truck from underneath the boxes.

In doing so, Snipes knocked the top box off the pile. It fell between two and three feet, before landing on Ward's foot and leg.

Snipes later said he believed he asked Ward to step aside but doesn't know if she heard him.

Snipes did, however, admit in his deposition that he "should have waited until Mrs. Ward was clear of the boxes before he began to unload them from the handtruck," according to a pre-trial memorandum.

Ward's attorney, Ken Fulginiti of Duffy & Partners in Philadelphia, said his client attempted to return to work, following the incident, but that was before she knew about her injury. The Reflex Sympathetic Dystrophy has progressed, according to court documents, and now forces Ward to make use of a wheelchair. The nerve damage has also left her in "horrific pain."

Fulginiti originally demanded a \$6.8 million verdict, arguing for lost and

future wages and benefits and medical expenses.

At the time of her injury, Ward was studying to become an accountant/auditor. She was attending classes at Camden County Community College in New Jersey and had a 3.33 GPA. Part of Fulginiti's demand was for anticipated pay raises associated with her new career.

"She requires constant medical care, constant medical attention, and she should have a daily nurse to assist her," Fulginiti wrote in a pretrial memorandum. "Currently, she is home, alone, all day, without any ability to get around, any ability to prepare meals, or to care for herself."

RSD is commonly diagnosed after several other diagnoses fail, Fulginiti said, and that was the case with Ward. Her medical tests showed "nothing wrong," according to a pre-trial memorandum.

Because of that, the defense claimed Ward suffered no injuries and called a medical and vocational expert to testify on their behalf.

But Ward, her husband and two of her doctors testified about her injury.

Fulginiti said he believed their testimony made the injury "very credible to the jury."

The settlement was reached on the fourth day of the trial, after both sides had rested. Fulginiti said settlement offers began before the start of the trial and gradually increased each day.

Defense attorney John S. Tucci, Jr. did not return a call for comment.

— Leo Strupczewski, of the Law Weekly