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Man injured in forklift accident settles claims for \$1.1 million

■ BY LAURIE LANDSITTEL

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After contested mediation, which included a forklift horn being sounded as testimony, a 62-year-old plaintiff



Isaac Thorp

was injured when a forklift hit him and a 5,000-pound coil fell on him settled claims against the forklift operators' employer for \$1.1 million.

The coil blocked the forklift driver's view and when he hit his breaks, the coil fell onto the plaintiff. The plaintiff was working as a contractor and headed to his work area to assemble a machine he had recently installed when the accident occurred.

The plaintiff suffered from a brain injury, broken ribs and a shoulder injury. He remained hospitalized for several weeks. He was diagnosed with permanent cognitive deficits related to memory, organizational skills and impulse control. He also had two shoulder surgeries. However, after a long recovery, he was able to perform all activities for daily living.

The plaintiff alleged that the defendant's employee negligently operated

the forklift. The defendant's safety policies state that when operating a forklift with an obstructed view, the operator should drive in reverse or use spotters.

The defendant denied liability claiming that the plaintiff was contributory negligent, because the forklift driver blew his horn for 15-20 seconds prior to the accident and the plaintiff should have stepped out of the travel aisle. The defendant even brought the horn into the mediation to demonstrate how loud it was. The plaintiff could not testify whether or not the horn was blown due to memory loss from this accident.

"Liability and contributory negligence issues were hotly contested in

this case," said the plaintiff's attorney Isaac Thorp. "But the parties went the extra mile to be very respectful and courteous to everyone involved, and opposing counsel were very cooperative with each other, extending professional courtesies each step of the way. I really believe that's one reason this case settled."

The plaintiff's shoulder surgeon provided videos of the type of shoulder surgery the plaintiff underwent that were taken from inside the shoulder. These videos illustrated the process of severing and re-attaching tendons. According to Thorp, they were very helpful.

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SETTLEMENT REPORT

NEGLIGENCE

Injuries alleged: Traumatic brain injury, broken ribs, shoulder injury

Attorney for plaintiff: Isaac Thorp, Raleigh

Special damages: \$100,000 in lost wages, \$150,000 in medical expenses

Mediated before: William "Bill" Brazil

Amount of settlement: \$1.1 million

Date of settlement: Jan. 6