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Window washer gets \$2.5M for fall

BY JENN BALLARD
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A hospital agreed to pay \$2.5 million to settle a lawsuit filed by a man who suffered injuries after falling from a roof while washing windows.

In 2002, Jeff Mueller, then 20, began his first day as a window washer.

While working on a roof at Centegra Memorial Medical Center in Woodstock, Mueller lost track of the edge and fell 30 feet to the ground.

Mueller was taken inside the hospital, but due to the severity of his injuries, was transferred to Advocate Lutheran General Hospital in Park Ridge within the hour, the suit alleged.

Mueller suffered multiple fractures to his feet, pelvis, three vertebrae on his lower back and right wrist. An artery injury in his left leg led to a below-the-knee amputation, the suit alleged.

Mueller sued the hospital alleging it failed to provide him a safe place to work and failed to provide him with the necessary safety equipment.

The hospital responded that it was the responsibility of Mueller's employer to determine the safety of the workplace and provide the equipment. The hospital sued the employer — Program Professional Services Inc. in Des Plaines.

Stephan D. Blandin, a partner

at Romanucci & Blandin LLC, and Sean C. Burke, a partner at Burke & O'Brien P.C., represented Mueller.

The roof lacked a perimeter guard or anchors for Mueller to use with a safety harness, which is required under the building code regulations of Occupational Safety and Health Administration and American National Standards Institute (ANSI), Burke said.

"The window washing company relied on a monitor or a spotter to stand there and warn the window washers when they got too close to the edge," Burke said. "They never did anything to make the job site safer."

A spotter was not present at that location the day Mueller fell, Burke said.

"They sent out three window washers — two would wash windows and one would act as the monitor," Burke said.

"But when they got there, the representative from the hospital pulled off one of the window washers to the front of the building" instead of letting him monitor Mueller, Burke said.

Mueller underwent eight surgeries and extensive physical therapy. Mueller will require fusion surgery on his right ankle, Burke said.

"Basically, he will only be able to move his foot up and down and not side to side," Burke said. "And that's really bad in terms of balance."



Sean C. Burke

Mueller will also require a second fusion operation on his spine to treat arthritis and ongoing prosthetic care every three to five years, Burke said.

"In a split second, Jeff's life was changed," Blandin said. "This settlement will allow Jeff to complete his education and will ensure that his medical care will continue."

Partners Dan L. Boho and Gregory T. Snyder of Hinshaw & Culbertson LLP represented the hospital.

Boho said it was the responsibility of Mueller's employer to provide employees with proper safety tools.

"The building was code compliant with the plans having been stamped and approved by an architect and having been approved by the village's building department," Boho said.



Dan L. Boho

"Defense experts provided opinions that OSHA and ANSI applied to the plaintiff's employer and did not require the hospital to put guarding or anchors on its roof."

Brian P. Shaughnessy, a partner at Cremer, Spina, Shaughnessy, Jansen & Siegert LLC, represented Mueller's employer.

As part of the settlement, Mueller's employer agreed to keep open its workers' compensation obligation for future medical expenses, Shaughnessy said.

Cook County Circuit Judge Donald J. Suriano presided over the trial, which ended with the settlement on Feb. 11.

The case is *Jeffrey Mueller v. Memorial Medical Center, etc. v. Program Professional Services Inc.*, 07 L 5815.