



Construction Worker Recovers \$550,000 After Fall Down Elevator Shaft

A worker who sustained fracture vertebrae when he fell down an open elevator shaft at a Jersey Shore jobsite was paid a \$550,000 settlement in his Monmouth County suit, *Valdivia-Salinas v. Meccia Building & Remodeling Inc.*, on Nov. 4.

On Sept. 17, 2018, plaintiff Aquiles Valdivia-Salinas was working on a residential construction site on Ninth Avenue in Belmar, sanding door jambs on the third floor of the single-family home, when he fell down an exposed elevator shaft, fracturing several vertebrae. Valdivia-Salinas—currently 44, a Nicaraguan immigrant—underwent emergency fusion surgery at the thoracic and lumbar levels of his spine, according to his lawyer, **Richard Reinartz** of the **Reinartz Law Firm** in Hackensack.

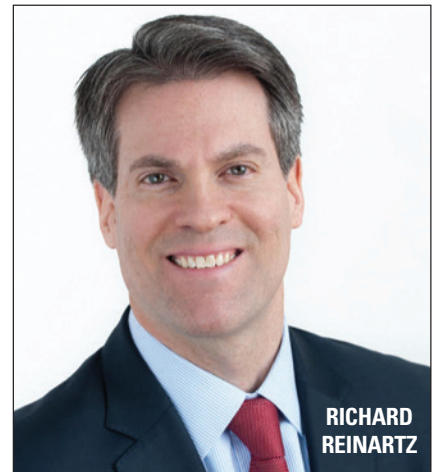
Valdivia-Salinas was an employee of David Painting, which was uninsured and couldn't be located during the case, Reinartz said. The Monmouth County suit claimed the general contractor, Meccia Building & Remodeling Inc., based in Wall

Township, was negligent for allowing there to be an open elevator shaft, which is against U.S. Occupational Safety and Health Administration regulation, at the site, and for giving David Painting access to the site.

According to Reinartz, Meccia disputed negligence, contending that it was unaware David Painting was at the site on the day of the accident; had surveillance footage of the plaintiff working as a landscaper six months following the accident; and challenged damages, pointing out that the plaintiff couldn't produce income tax records.

Reinartz argued that Meccia was negligent for failing to obtain proof of insurance from David Painting before allowing the subcontractor onto the jobsite, he said.

Valdivia-Salinas, though he was an employee of David Painting, received workers' compensation benefits through Meccia because Meccia had hired an uninsured subcontractor, Reinartz said. Meccia paid roughly \$182,000 in benefits, though the lien amount was reduced



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prior to reimbursement from the personal injury settlement funds, Reinartz added.

The parties reached a \$550,000 settlement around late October 2021 following a pretrial conference with Monmouth County Superior Court Judge Kathleen Sheedy.

David Painting couldn't be located, and Meccia paid the full settlement. Kevin Killmurray of Zirulnik DeMille & Flynn in Hamilton represented Meccia. He declined to comment on the case.

— **David Gialanella**