

## suits & deals

### Worker Injured in Explosion Settles for \$3.69 Million in Middlesex

An electrician's assistant seriously injured in an explosion while making repairs at a manufacturing facility agreed to a \$3.69 million settlement in his Middlesex County suit, *Shallo v. Park Electric*, on July 24.

The suit claimed that Robert Shallo, now 51, was assisting with electrical repairs at a warehouse in South Plainfield on Feb. 20, 2014, when he was hit with an arc flash explosion. He suffered burns over 30 percent of his body, including his face and torso. Shallo has received numerous skin grafts and will require additional surgeries. His injuries were so severe that he was placed in a medically induced coma for two months after the accident, said his lawyer, **David Mazie**



DAVID MAZIE  
COURTESY OF DAVID MAZIE

of Mazie Slater Katz & Freeman in Roseland.

Shallo is unable to work or drive a car, has poor balance and suffers pain and anxiety, Mazie said.

At the time of the injury, Shallo was working under the supervision of Brad Kleinman, who had performed at least 15 jobs at the same location, according to Mazie. Kleinman said he was under instructions not to restrict access to the work area or turn off power to the panel because it would disrupt business, Mazie said.

Richard Dunn, vice president for operations at defendant Paramount

Property Management, testified that Shallo would not have been injured if he had been given protective gear, and Dunn also said the explosion would have been prevented if power had been turned off to the outlet, according to Mazie.

Federal inspectors found that failure to provide Shallo with protective gear and failure to turn off the power to the panel were violations of the Occupational Safety and Health Act. In addition, the local fire marshal cited Paramount for failing to obtain a work permit for the job that Shallo and Kleinman were performing, Mazie said.

Shallo sued Paramount, the building tenant, LANY Group, and two contractors working at the site, Park Electric and Associated Electrical Solutions Group. Mazie said it was unclear whether Shallo worked for Park Electric or Associated, which were controlled by the same family. Each claimed to be Shallo's employer and thus entitled to the workers' compensation bar.

Shallo claimed that both Paramount and LANY were contractually obligated to supervise and inspect any work performed on the premises by contractors. But Paramount's duty, as an exclusive property manager, was nondelegable under the Supreme Court's 1999 ruling in *Alloway v. Bradlees*, so whether LANY also owed a duty was a question of apportionment, not liability, said Mazie. Further, LANY admitted it was required to stop the electrical workers if it observed any unsafe working conditions, but failed to do so, Mazie said.

According to Mazie, the defendants claimed that a screwdriver that was found at the accident site had been poked into the electrical panel by Shallo, causing the explosion and injuries, an assertion that Shallo denied.

The parties reached a settlement after mediation with **Ned Rosenberg**, a former Superior Court judge with **Trenk, DiPasquale, Della Fera & Sodono** in West Orange. Under the settlement, Paramount and LANY each pay \$1.5 million, Park Electric is paying \$650,000, and Associated Electric will pay \$35,000.

Also representing Shallo were **David Freeman** and **David Estes** of Mazie Slater.

None of the defense lawyers returned calls about the case.

Paramount's lawyers were **Jeffrey O'Hara** of **Connell Foley** in Newark and **William Paulus** of **Gerald Green's** office in Princeton. LANY Group was represented by **Matthew Mahoney** of **Linda Baumann's** office in East Windsor. Park Electric was represented by **Michael Kearns** of **Hoagland, Longo, Moran, Dunst & Doukas** in New Brunswick. Associated Electrical was represented by **Aldo Russo** of **Lamb Kretzer** in Secaucus.

— **Charles Toutant**