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\$1.75 for Construction Death

Estate of Westerholm v. Fraternity Meadows: The estate of a foreman killed in a pile-driver accident accepted \$1.75 million on June 18 to settle a Hudson County wrongful death suit.

John Westerholm of Stroudsburg, Pa., a foreman for subcontractor Ratto Construction of Ramsey, was supervising a pile-driving operation at general contractor Fraternity Meadows in Secaucus on Aug. 29, 2006, when a nine-ton, power-driven hammer came down, caused a pile to spin out of control and struck him in the arm and torso.

He suffered for five minutes before he bled to death, according to evidence presented by **Michael Maggiano** of **Maggiano, DiGirolamo, Lizzi & Roberts** in Fort Lee and **John Sharp** of the **John Dearie** firm in New York.

The suit alleged faulty operation of the pile driver by Ratto and safety failures by Fraternity.

Ratto's lawyer, **Frank Kontely III** of **Hoagland, Longo, Moran, Dunst & Doukas** in New Brunswick, did not return a call.

Maggiano says Fraternity contended that Ratto was responsible for carrying out the pile-driver work safely. He says Ratto argued that Westerholm, as foreman and safety officer, was in charge of the pile driving and placed himself in harm's way.

Fraternity's attorney, **Joseph McNulty** of **Carroll, McNulty & Kull** in Basking Ridge, confirms Maggiano's account of the defense and says Ratto paid the entire settlement under an indemnification agreement.

— *By Henry Gottlieb*