

## Truck driver wins \$210K in cleanup suit

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A Circuit Court jury last week awarded close to \$211,000 to a truck driver who was injured by a chain saw while helping clean up Gibson County storm damage in 2006.

The jury found that Delta Contracting Co. was 80 percent responsible for the accident, which severed tendons in Jorge Ferreira's forearm and sliced his thigh. Ferreira and the man using the chain saw, Juan Santiago Rodriguez, each were found to be 10 percent responsible for the accident.

James P. Catalano, a Nashville attorney who represented the defendants in the suit, said Tuesday that he and his clients have not decided whether to appeal the verdict. He declined further comment.

In May 2006, Ferreira was instructing Rodriguez on how to slice branches when Rodriguez turned and sawed into Ferreira's right arm and leg, said Glenn K. Vines Jr., a Memphis attorney representing Ferreira.

Ferreira's injuries were significant, as the saw cut tendons that control the use of the wrist and thumb and into the bone, Vines said.

He said Ferreira has been unable to perform more lucrative trucking jobs because of lingering effects of the injury that affect his driving ability, including a weakened grip, reduced stamina, and minor nerve damage in his palm.

According to a trial brief, Catalano argued that Ferreira was more than 50 percent responsible for his injuries because he "had absolutely no business requirement to be anywhere near the chain saw.

"He was a truck driver and was not required to load or trim his load whatsoever," the brief argues.

Rodriguez, who could not speak English, was inexperienced with a chain saw and did not have a Spanish-speaking supervisor, Vines said.

"No safety training whatsoever," Vines said. "It was sort of a perfect storm ... to cause severe injury."

Vines said he and Ferreira were happy with Friday's court decision and safety measures Delta Contracting has put in place since the accident.

"We were extremely pleased," Vines said.

The suit initially was filed against Dement Construction Co. of Jackson in April 2007, but Delta was substituted as the proper defendant in February 2008.

According to Catalano's trial brief, Delta was handling the cleanup operation in which Ferreira was injured, but Dement employees loaded the trucks with tree limbs.

Another employee would then cut branches protruding from the truck bed so the vehicle could drive away from the cleanup site.

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