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## Injured worker awarded \$6 million

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Staff writer

OAKLAND — A young Fremont father will receive \$6 million in lifetime payments because he was paralyzed when he fell four stories while doing plastering work on a condominium project in San Leandro last year.

His attorney said Gary Guinn fell because scaffolding was removed prematurely to speed up the start of condominium sales.

Four contractors will make the lifetime payments to Guinn, his wife, Karma, 25, and their two daughters, aged 2 and 4, according to a settlement approved by Alameda County Superior Court Judge Zook Sutton Wednesday.

They will also pay for a specially equipped car that

Guinn is learning to drive, his attorney, Lewis Van Blois, said.

The Guinns declined to comment on the settlement.

The 25-year-old plasterer suffered permanent spinal damage in the plunge from the roof of the 164-unit Pacific Plaza condominiums at Clarke and Juana streets in San Leandro on Jan. 7, 1982.

The Guinns filed a personal injury lawsuit four months later, contending the removal of the scaffolding contributed to the accident.

Citcon Corp. of San Jose and subcontractors L and D Scaffolding Inc. of San Leandro, Service Lathing of San Leandro and Davidson Plastering Co. of Castro Valley, Guinn's employer at the time, were the defendants. Citcon will pay the largest share of the settlement.

Van Blois' suit claimed the builders were negligent

and careless by failing to provide adequate safety protection, such as platforms, railings or scaffolding near the roof of the building.

Work on the block-long complex was nearing completion in December 1981 when Citcon urged its subcontractors to hurry in order to meet a twice-postponed opening date, according to court records.

"Citcon was very anxious to have the project opened to the public so that the models could be shown and sales could start," Van Blois said.

But part of the scaffolding blocked an area which Citcon wanted to pave as a driveway, and project superintendent Ken Cassell pressed the plastering company to take it down despite warnings the removal could endanger workers, according to the lawyer.

When the work crew returned to work Jan. 6, after

the Christmas holidays, the scaffolding protecting the site where Guinn was working had been torn down.

The next afternoon, while trimming a section of chimney, Guinn fell approximately 40 feet to the ground. He was taken to Vesper Memorial Hospital with serious head injuries and spinal cord fractures.

A week later, Guinn underwent spinal fusion surgery, and was transferred to Santa Clara Valley Medical Center, where he underwent therapy until he was released two months later. He was paralyzed from the waist down.

In its initial response to the lawsuit, Citcon contended Guinn had not followed state Occupational Safety and Health Administration rules that required a safety line

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## Worker awarded \$6 million

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But Guinn's employer, Davidson Plastering, told the court it was not his practice to use safety lines, believing the scaffolding offered sufficient protection.

Davidson Plastering subsequently was cited by OSHA for violating regulations that require approved safety belts and lifelines on employees whose work exposes them to falling more than 5 feet from the

perimeter of a structure.

Davidson also was cited for four additional violations, including failure to provide adequate first aid equipment. A \$225 civil penalty was imposed on the firm.

Many of the attorneys and building contractors' representatives were unavailable for comment on the settlement.

But Bryant Bennett, who repre-

sented Service Lathing, called the award "very generous."

Under terms of the settlement, the Guinns will receive an immediate cash payment of \$740,000, future cash payments totaling \$700,000, \$3,500 each month at 3 percent interest for the rest of Guinn's life, and \$160,000 for the college education of his two daughters. Mrs. Guinn will receive \$25,000.