

DEFENSE VERDICT AFFIRMED

New York City - Haworth Barber & Gerstman, LLC

The Appellate Division, First Department recently affirmed the trial victory of Scott Haworth and Richard Barber in a Labor Law 240(1) wrongful death case. Plaintiff alleged her husband sustained an aortic dissection as a result of work on a ladder during construction of a Manhattan skyscraper. The jury concluded that decedent's aortic dissection and death were not caused by the ladder incident. The defense contended the dissection was caused by decedent's long history of hypertension. On appeal, plaintiff claimed the jury should have

been given an increased susceptibility (eggshell skull) charge, that Mr. Haworth's cross examination of plaintiff's doctor on his prior fraud conviction was improper, that the defense's decision not to call one of its experts entitled plaintiff to a missing witness charge and that the verdict was against the weight of the evidence. A unanimous five Judge panel affirmed the defense verdict. Mr. Haworth argued the appeal. Mr. Barber and Mr. Haworth authored the opposition brief.

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