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News

Paralyzed man gets \$3M court award

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PHILADELPHIA — A Lower Pottsgrove man who was employed as a highway construction worker when he was injured by a passing motorist, leaving him a quadriplegic, has reached a \$3 million workers' compensation settlement.

Joseph Tuski, of Evergreen Road, reached the settlement with Liberty Construction, of Pottstown, his employer at the time of the 10:30 a.m. Jan. 17, 2001, incident, and Erie Insurance Co., Liberty's insurance carrier, according to court papers and Samuel H. Pond, the lawyer who represented Tuski. Pond, managing partner of Pond Lehocky Stern Giordano in Philadelphia, said the settlement was reached on Oct. 27.

"I think about Joe often. Within the confines of the law, we have done the best that we can for Mr. Tuski, but we can't put his life back to where it used to be," Pond said on Thursday.

The settlement, which was approved by workers' compensation Judge Thomas J. Hines, appears to be one of the highest workers' compensation settlements in the country, Pond said.

According to Pond, Tuski was "catastrophically injured" at the age of 31 while working as a construction flagman for Liberty Construction and directing traffic on a highway in Warminster, Bucks County. At the time of the life-altering injury, Tuski was married and had a 6-month-old child, according to Pond.

Pond characterized Tuski's condition as "stable" but indicated Tuski needs 24 hour medical care.

"He enjoys spending time with his son and seeing him grow up," Pond said.

The settlement occurred after several years of negotiations, according to Pond.

Pond said, "the complexities of the case," including issues regarding a Medicare fund, Social Security and Tuski's future lifetime medical needs "all had to be weighed and factored into getting value for my client."

According to Pond, Tuski had stopped several vehicles in the area of the construction site the day he was injured. The driver of the last car in line allegedly ignored the order to stop, sped around a line of vehicles and struck Tuski, who witnesses claimed was thrown 15 feet into the air and about 60 feet from the point of impact, according to Pond and allegations contained in court documents.

In January 2004, a Philadelphia Common Pleas Court jury awarded Tuski \$75.6 million during a personal injury dram shop case, according to Mercury files. That award was later cut in half by a Philadelphia judge to about \$38 million.

According to Tuski's 2004 personal injury lawyer, Tuski suffered a broken neck, a partially severed spinal cord, a

shattered leg and elbow and brain injuries during the 2001 highway tragedy. Robert J. Mongeluzzi, Tuski's lawyer during the 2004 civil trial, said at that time that Tuski spent seven months in the hospital and then spent his days in a specially modified chair and needed round-the-clock care.

The initial personal injury civil suit was filed against Michael Petaccio, of Warminster, the driver of the car that struck Tuski, and the Ivyland Café in Warminster, where Petaccio worked as a manager, according to court documents. During the civil trial, Tuski's lawyers alleged Petaccio had been drinking at the bar and was intoxicated when he left that morning shortly before the crash.

After striking Tuski, who was directing traffic on Mearns Road in Warminster, Petaccio, then 37, allegedly fled the scene and was later arrested at a relative's home in New Jersey, according to the allegations contained in court documents.

Petaccio was prosecuted in Bucks County Court in connection with the incident.

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