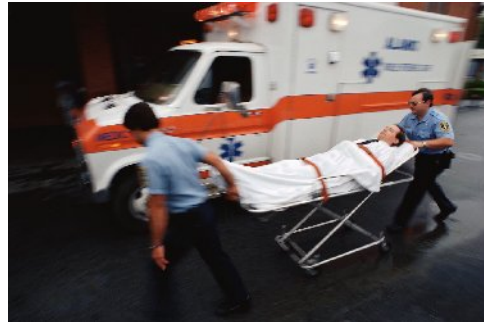




CONSTRUCTION INJURY CASES

According to the Bureau of Labor Statistics, “construction workers are exposed to a wider variety of hazards and face a greater risk of work-related injuries or fatalities than employees in any other United States industry. The lost work day case rate for the construction industry was 5.7 per 100 full-time workers, the highest of any major economic sector”.



Construction injuries occur for a variety of reasons, including but not limited to, poorly kept work sites, unsafe tools or equipment, defective or faulty ladders, lack of job safety, i.e. fall protection, lack of instruction and/or job safety on the construction site, open holes in floors under construction, and human error.



According to the Illinois Workers’ Compensation Commission, roughly 250,000 work related accidents occur each year. Most of these cases do not result in lost time from work. The Illinois Workers’ Compensation Commission reports that approximately 60,000 claims are filed with the Workers’ Compensation Commission per year. In 2006, there were 56,911 cases filed. In 2005, 58,715 cases were filed. Of those 2006 cases, 946 were filed in McHenry County, Woodstock, Illinois. In 2005, 944 cases were filed in McHenry County. In 2006, 2,066 cases were filed in Waukegan, Lake County, Illinois; in 2005, there were 2,178 cases filed.

Of the reported cases filed with the Illinois Workers’ Compensation Commission in 2006, 23% involved neck or back injuries; 30% involved shoulder, arm or hand injuries; and 18% involved the foot, knee or leg.

If you or a loved one was working and injured on a construction site, you have a workers’ compensation case. Recovery against your employer is limited solely to the benefits set forth in the Illinois Workers’ Compensation Act. Attorney **David N. Rechenberg** can help you with your workers’ compensation case, to obtain all the benefits you are entitled to under the Act.



If you are injured at a construction site, not only do you have a workers' compensation case, you may also have a third-party claim. Your third-party claim may be against the general contractor, or a sub-contractor on the construction site, or the manufacturer of a ladder, scaffolding or tools that caused your injury, or in some cases, the owner of the project in question.

If you have a third-party claim, you are able to recover in addition to your workers' compensation case, damages for pain and suffering, future pain and suffering, loss of a normal life, disability, past and future medical expenses, and lost wages.



A construction injury case is complex, difficult and should not be left to an inexperienced attorney, as you only have one chance to recover money damages from the negligent party or parties. The attorney you choose to handle a construction case for yourself or loved one, can dramatically determine the amount of money you recover in your case.



Although all attorneys are licensed to practice law and can accept a construction injury case, not all attorneys practice in this area, and there are many pitfalls for the unwary, or inexperienced, practitioner.

The attorney you hire to handle a construction injury case must first recognize that you may have a third-party claim. He or she must be able to identify the culpable parties and/or entities that may be responsible for your injuries, many of which are not apparent at first glance, and not recognized by an inexperienced attorney. The attorney must understand and be familiar with the O.S.H.A. regulations, and identify when the general contractors or sub-contractors failed to comply with the O.S.H.A. regulations.

Attorney **David N. Rechenberg** is an experienced trial attorney who has handled major construction injury cases throughout his career, on both sides of the lawsuit, usually for the injured worker. Attorney Rechenberg occasionally has represented contractors who have been sued for work injuries. Mr. Rechenberg has represented numerous injured workers and recovered substantial money damages for them and their families in construction injury cases.



If you have a third-party construction injury case you could be entitled to the following:

1) **Pain and Suffering:** Ordinarily, the most “valuable” element of your bodily injury claim is the right to compensation for all “pain and suffering” you have sustained and will endure as a proximate result of your injury. These are your “general damages” and may run far in excess of your “special damages” (e.g., earnings loss and medical expenses).



2) **Loss of Earnings:** You are entitled to recover the reasonable value of working time loss as a result of the injury. Thus, wages, commissions, bonuses and all other earnings and fringe benefits that you have lost or probably will lose in the future (“future earnings” damages) are compensable damage elements.

3) **Medical Expenses:** You are entitled to recover the reasonable portion of your medical expenses that have been incurred and that are reasonably certain to be incurred in the future as a result of the injury. These expenses include past (already-incurred) medical expenses, as well as future medical expenses, which may be the result of the original injury or may result from an increased susceptibility to future injury because of the construction accident in question.



4) **Impaired Earning Capacity:** Impaired earning capacity damages are closely related to loss of future earnings damages. It is often simply an alternative way of compensating you for future earnings loss (discussed above). Technically, “impaired earning capacity” refers to the extent to which the injury has interfered with your ability to advance to a better paying position or an alternative career. The damages, in effect, compensate you for injury to your earning power.

5) **Loss of a Normal Life:** This was formally known as disability and is defined as “the temporary or permanent diminished ability to enjoy life. This includes a person’s inability to pursue the pleasurable aspects of life”.

6) **Increased Risk of Future Injury:** You may recover money damages for the increased risk of future injury if there is sufficient proof of the same. When the risk of future injury is less



than 100% but more than 50% likely, then there is no percentage reduction of that award. If the injury determines that the risk of future injury is less than 50%, then the recovery is reduced by the percentage.

Attorney **David N. Rechenberg** knows how insurance adjusters set up their files in construction injury cases. He is aware how they value claims and set reserves for such cases. If you or a loved one has been injured in a construction case, call David N. Rechenberg at **(847) 854-7700** right away before it is too late. You must file a lawsuit against the responsible parties prior to the expiration of the statute of limitations to preserve your right to recover money damages for your injuries.



If you were injured on a construction site, please contact **David N. Rechenberg** to determine if you have a third-party case in addition to having him prosecute your workers' compensation claim. When you make your appointment to see attorney Rechenberg, please bring with you the following items:

1. Photographs of the scene where you were injured, and of your injuries;
2. Names, addresses and contact information for the general contractor, each subcontractor assigned to the job site, and the owner of the job site;
3. The name of the manufacturer or distributor of the tools, ladders or scaffolding which failed and caused your injury;
4. The names and addresses of all the medical providers you have seen as a result of your injury; and
5. The name and address of the insurance adjuster assigned to your workers' compensation claim.

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