

Werner Co. Hit with \$4.8M Jury Verdict for Defective Ladder

Jurors have returned a \$4.8 million verdict against Greenville, Pennsylvania-based Werner Co., finding the ladder company liable for the faulty design and marketing of an aluminum ladder that collapsed, permanently injuring a Lewisville, Texas man.

According to a release from Androvett Legal Media & Marketing, the jury in Denton County District Court determined that the company knew of problems with the Werner Model 354 Type II ladder and was negligent in not warning consumers of the risks when using it. The jury deliberated for a day and a half before reaching its verdict, awarding approximately \$1.2 million for past damages and \$3.6 million for future damages to John DeVallee.

“In mediation, Werner’s initial offer was \$150,000,” said Joe Fisher, partner at Beaumont-based **Provost Umphrey L.L.P.**, who represented DeVallee. “They said they would not offer any more because they’ve won 60-plus trials in a row.”

DeVallee, 46, was severely injured in 2011 after one of the ladder legs bent inward – a known falling hazard associated with this type of ladder. The fall led to crushing injuries to DeVallee’s arm and wrist and left him without use of his dominant hand for the rest of his life.

Fisher selected the jury and then turned over the rest of the case to fellow Provost Umphrey partner Edward Fisher and attorney Brian Zimmerman of Zimmerman, Axelrad, Meyer, Stern & Wise, P.C. David L. Cook of Harris Cook LLP was also part of the trial team and was instrumental in securing the verdict.

“In essence, the jury saw that Werner – through its negligence – pretty much cut off John’s dominant hand,” said Edward Fisher. “That’s a lifetime injury that will require continued medical care and treatment and that, unfortunately, cannot be repaired. No one should have to deal with something such as that simply because they were working on a four-foot tall step ladder.”

The case is *J. Devallee v. Werner Co.*, Case No. 2011-40709-362 in the 442nd District Court of Denton County.