

Fall victim diagnosed with traumatic pituitary disorder

Sues building trustees over unsafe staircase

\$450,000 settlement

On Dec. 15, 2006, the plaintiff accompanied a contractor to the attic of an office building in order to inspect his HVAC system. As he stood in the dimly lit attic, he lost his balance and fell through an unguarded opening and down a staircase.

The plaintiff struck his head and allegedly sustained a concussion. He was rushed to a local hospital because of unremitting back pain. He was discharged after a five-day hospitalization. His discharge diagnosis did not include concussion.

Suit was brought against the trustees who managed the property. The plaintiff alleged

that the trustees were negligent in failing to inspect, maintain and repair the attic common area. The plaintiff also claimed that the defendants' negligent actions violated the state building code by allowing a pull-down staircase to be used in a commercial building, as well as failing to provide fall protection around the attic opening.

When the plaintiff returned to work, he had difficulties doing his job and subsequently sought medical attention. In the ensuing months, he became depressed, cognitively impaired and had decreased libido.

He eventually was referred to an endocrinologist, who diagnosed him with a pituitary disorder, despite the negative MRIs of his brain and pituitary gland. The endocrinologist prescribed him a daily regimen of hormone-therapy replacement injections, which the plaintiff self-administers.

Plaintiff's counsel noted that traumatic pituitary injury is often overlooked as a consequence of a traumatic brain injury and can be the cause of mood disorders, decreased libido, cognitive difficulties and sleep disruption.

The case settled one week prior to trial.

Action: Negligence & tort

Injuries alleged: Head injury

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (settled)

Amount: \$450,000

Date: Oct. 3, 2011

Attorney: Kenneth I. Kolpan, Boston (for the plaintiff)

Law Office of Kenneth I. Kolpan, P.C.

Suite 1425
175 Federal Street
Boston, Ma. 02110

Tel: 617-426-2558

Fax: 617-426-7972

Email: ken@kolpan.com

Website: www.kolpan.com