

CONTRACTOR/ENGINEERING NEGLIGENCE – COLLAPSE OF ELEVATED ATLANTA BOTANICAL GARDENS WALKWAY – MULTIPLE INJURIES – WRONGFUL DEATH – SETTLEMENT

In Re: The Atlanta Botanical Gardens Cases

State Court of Fulton County, Georgia, Civil Action File No. 10EV010205J

A global settlement of \$15 million was reached for 15 workers who were injured, and one who was killed, when the elevated Atlanta Botanical Gardens walkway collapsed during its construction on December 19, 2008, while workers were pouring concrete about 40 feet above the ground. The collapse was the result of a perfect storm of errors by the subcontractors, engineers and others responsible for the design and construction of the temporary shoring, which was designed to hold the walkway in place during the concrete pour, but collapsed less than one hour and after less than 100 linear feet of concrete had been poured.

The settlement was reached on October 4, 2011, after numerous mediations had been held between all Defendants and all Plaintiffs, and their respective counsel, assessing the liability and damage issues, in order to reach a global resolution for all Plaintiffs.

Details of the amounts paid by each of the nine separate Defendants, and the amount received by each individual Plaintiff, are confidential, but the facts of the case, and total amount of the global settlement, are not. Most of the Plaintiffs were undocumented aliens whom the defense contended would probably not get a fair shake or a significant recovery with a Georgia jury in the current anti immigration climate. We asserted that a Georgia jury would treat them equally in a court of law, as a jury is required and instructed to do. We also contended that a jury would appreciate that these Plaintiffs were all hard working family men who came to this country only to seek a better life for their families, and would not devalue their substantial human losses simply because of their legal status, particularly when these same companies regularly use undocumented aliens for their cheap labor, and appreciate them when they

are doing the difficult, dirty and back breaking work no one else wants to do, but want to wash their hands and turn their backs on them when they are hurt and need help, and send their broken and battered bodies back to where they came from.

[Plaintiffs were represented by AAJ and GTLA members Clark H. McGehee and William C. Lanham, Lanham & McGehee, P.C., of Atlanta, Georgia, and several other law firms in Atlanta, Georgia, and San Diego, California.]