

Missouri Lawyers WEEKLY

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Man who slipped twice at work settles over injuries



Mark Cantor

By DAVID BAUGHER
Special to Missouri Lawyers Media

A workers' compensation settlement will net more than \$422,000 for a man who claimed injuries after two falls at his place of employment.

"They were both disputed, denied claims," said attorney Mark Cantor of Cantor & Burger.

Cantor said his client Norman Wayne Helms fell in February 2009 while using a hose to clean out equipment at Breckenridge Material Co. He slipped a second time that November, falling 10 to 12 feet off a front-end loader. Cantor said the second fall was more serious than the first.

Helms allegedly had head and neck injuries resulting

in problems keeping his balance. Cantor said the company's doctor initially concluded there was no chronic disability but that there was continuing neck and back pain. He quickly assessed Helms as having reached maximum medical improvement.

Cantor said the case was complicated when Helms developed a life-threatening illness that left him hospitalized for an extended period, making it difficult to assess

of how much of his disability was a result of the injury. However, Cantor said that the defendant's employer's insurance company had earlier sent Helms to its own vocational expert, who proved surprisingly helpful.

"Through discovery, we secured that report," he said. "Their expert believed that my client, the claimant, could not compete in the open labor market. Basically, we were able to use the defendant's vocational expert to

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Mark Cantor, plaintiff's attorney

our advantage."

Ultimately, a settlement was reached. However, Cantor said the defendant then attempted to claim a credit of about \$16,000 due to an alleged overpayment of temporary total disability.

"I felt that was unfair, so we filed motions to enforce the settlement," he said.

Cantor said the defendants ultimately agreed to pay. Given the plaintiff's health troubles, he said, it was beneficial that Helms could have the money now.

"It is a good result because we were able to get a lump sum when my client is still alive and able to use it," he said.

Brad McChesney, of Rouse & Cary, which represented the defendant, declined to comment. mo

\$422,385 Settlement

WORKERS' COMPENSATION

- **Venue:** Division of Workers' Compensation, St. Louis
- **Case number/date:** 09-093040/May 8, 2014
- **Caption:** Norman Wayne Helms v. Breckenridge Material Co.
- **Plaintiff's attorney:** Mark Cantor, Cantor & Burger, St. Louis
- **Defendant's attorney:** Brad McChesney, Rouse & Cary, St. Louis