

Jury awards \$2.8 million to family of construction worker who fell to his death

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A Travis County jury on Monday awarded \$2.8 million to the family of a worker who fell to his death at a Horseshoe Bay construction site in 2008.

The jury found that the negligence of general contractor Senderro Construction Services Inc. was 98 percent to blame for the death of Jose Rodriguez.

Robby Alden, the lawyer for Rodriguez's wife and three teenage children, said he argued during a one-week trial in state District Judge Orlinda Naranjo's court that Senderro was responsible for the improper installation of temporary guardrails that would have saved Rodriguez from a four-story fall.

A lawyer for Senderro did not immediately return a call for comment.

Alden said that Rodriguez and his family had come to Austin from Passaic, N.J., in 2008 to seek work in the construction industry. He took a job with R&L Plumbing Inc., and on April 21, 2008, he was working on the Waters, a condominium complex in Horseshoe Bay.

On the fourth floor of the building, temporary wooden guardrails had secured a walkway that was later to be secured with a steel railing, Alden said. Prior to Rodriguez's death, a subcontractor had removed the guardrails and then reinstalled them improperly, Alden said.

Alden said it was the practice of Senderro to require subcontractors to re-secure guard rails after removing them as opposed to having a framer with the proper expertise do the job.

"My client was working for the plumbing company, walked out of the unit, stumbled on something and grabbed onto the guardrails," Alden said.

Alden said the guardrails had not been nailed in properly, and Rodriguez fell four stories to his death.

Alden said the lawsuit was filed in Austin because Senderro and a previous co-defendant are based in Austin. That previous co-defendant, Boyce Industries Inc, was dismissed from the lawsuit after reaching a confidential settlement with Rodriguez's family, Alden said.

He said it is common practice in the construction industry for general contractors to require the subcontractors who remove guardrails to reinstall them.

"General contractors need to be more aware of what they are doing," he said.

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