



Jury Awards \$3.5 Million in Aftermath Of Paterson Recycling Plant Explosion

Lopez v. Damato Realty: A Passaic County jury last Tuesday awarded \$3 million in damages to a Paterson recycling plant worker injured in an explosion and \$500,000 to the estate of another worker who died in the accident.

Victor Lopez, 50, was severely burned on Dec. 1, 1997, when hundreds of aerosol cans discarded by a theatrical costuming company burst while being compacted at the facility. The other worker, Dariusz Wisniewski, 37, died almost immediately.

Wisniewski was compacting the waste when Lopez, who was working nearby, started the engine of a forklift. The engine emitted a spark, igniting residual gas that had leaked from some of the crushed aerosol cans.

The company that owned the facility, Joseph Damato Realty Co., was not licensed to recycle aerosol cans and had no permit to operate a recycling facility, says Lopez's lawyer, **Richard Weiner**, who runs a Montvale firm.

Lopez, who tried to run from the

building, suffered third- and second-degree burns over most of his body and had his eyelids burned off. He underwent a series of skin grafts to repair the injuries, but still suffers from constant pain because of nerve damage, and from depression, said Weiner.

The jury's award for Lopez was for negligence on the part of Damato Realty and for pain and suffering.

The \$500,000 award to Wisniewski's estate was for wrongful death, says the estate's attorney, West Orange solo practitioner **Steven Plofsky**. Wisniewski, an immigrant, left behind two children in Poland.

Plofsky says a claim against the company that delivered the aerosol cans, Travelers Trading Co., was settled earlier for \$375,000. Weiner says a claim by Lopez against Travelers Trading also was settled earlier for \$500,000.

Damato Realty is insured by Penn National Insurance Co., which retained **Joseph Kelley**, a partner at Chatham's **Maloof, Lebowitz, Connahan & Oleska**, who did not return telephone

calls seeking comment.

The trial judge was **Burrell Ives Humphreys**, a retired judge on recall.

— *By Michael Booth*