

Times Leader

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A Tunkhannock man paralyzed in a workplace accident will receive \$2.26 million in the settlement of a federal lawsuit, plus potentially millions of dollars more from ongoing monthly payments.

Kevin Kitchnefsky, 29, became a quadriplegic after being struck by several chain-link fence panels that fell from a forklift at an environmental clean-up site in Gloucester City, N.J., in August 1996. The former laborer lives with his parents in Tunkhannock. He needs continuing medical care and equipment such as an electric wheelchair and specially-equipped van, said his attorney, [Richard Russo](#) of Wilkes-Barre.

“The money that we received from the responsible parties will go a long way to addressing the lifelong needs of Kevin and his family,” Russo said. “I have no doubt Kevin would give it back to walk again.”

If Kitchnefsky lives to age 75, total payments could reach \$28.3 million, according to Russo’s figures.

Defendants in the lawsuit were National Rent-A-Fence Co. of California and Kitchnefsky’s former employer, Conti Environmental of New Jersey.

“Our position was National was negligent because it delivered the fence panels. They were in stacks, but they were not strapped or bundled in any manner,” Russo said.

National sued to include Conti Environmental in the lawsuit, claiming the New Jersey company was culpable because its employee was driving the forklift.

The settlement was the result of a Dec. 1 conference between plaintiffs and defense lawyers with U.S. Magistrate Judge Robert Kugler in Camden, N.J.

Attorney John Osorio, who represented National Rent-A-Fence, said the settlement was fair. He declined to say why the company chose not to go to trial.

“There was never an admission of wrongdoing in the settlement and there is no admission of wrongdoing,” he said. Kitchnefsky was not available for comment, Russo said.

Insurance companies for the defendants will pay a total of \$6.249 million. At least \$4.4 million will come from National Rent-A-Fence’s liability insurance carriers.

Kitchnefsky will receive \$2.26 million in a lump-sum payment. The remaining money funds annuities that will pay him \$12,190 per month for medical expenses and \$2,500 monthly for lost wages. Monthly payments will be

increased each year for inflation.

Also, a \$200,000 educational fund was set up for Kitchnefsky's 5-year-old son, Chad.