FOI#15547

LITIGATION DYNAMICS

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December 5, 2014

Port Authority of New York and New Jersey
225 Park Avenue South, Suite 17
New York, New York 10003

12-09-14A11:13 RCVD

Attn: FOIL Administrator

Re: Curby Toussaint
Date of Incident: 10/24/14 at 1:10 p.m.
Locus: One World Trade Center, Fulton Street near Greenwich by the north pool (Project New PATH Station Platform 'D')

Dear FOIL Officer:

We are the field representatives of the law office of Clifford J. Stern, LLC attorneys for Curby Toussaint, in connection with the above referenced matter.

By way of the Freedom of Information Act, we are requesting certified copies of your **entire personal injury investigation file, including but not limited to all accident reports, aided reports, diagrams, statements, photographs, inspection reports, Transit Police reports etc. for:**

Injured:	**Curby Toussaint:**
	DOB: ; SS#:
Date of Incident:	**10/24/14 at 1:10 p.m.**
Locus:	**One World Trade Center, Fulton Street near Greenwich by the north pool (Project New PATH Station Platform 'D')**

As you may be aware, the Freedom of Information Law requires that an agency respond to a request within a reasonable time from the receipt of our request. Therefore, we would appreciate a response as soon as possible and look forward to hearing from you shortly. If for any reason any portion of our request is denied, please inform us of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

If you have any questions, or if there are any fees as a result of processing this request, please contact our offices at **516-248-8022.**

Sincerely yours,
LITIGATION DYNAMICS

Jonathan C. Messina, Esq.

THE PORT AUTHORITY OF NY & NJ

FOI Administrator

December 22, 2014

Mr. Jonathan C. Messina
Litigation Dynamics
85 Willis Avenue, Suite O
Mineola, NY 11501

Re: Freedom of Information Reference No. 15547

Dear Mr. Messina:

This is in response to your December 5, 2014 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code"), for "certified copies of your entire personal injury investigation file, including but not limited to all accident reports, aided reports, diagrams, statements, photographs, inspection reports, Transit Police reports" for Curby Toussaint's incident on 10/24/14 at 1:10 p.m. at One World Trade Center, Fulton Street near Greenwich by the north pool (Project New PATH Station Platform 'D'.

Material responsive to your request and available under the Code can be found on the Port Authority's website at http://www.panynj.gov/corporate-information/foi/15547-WTC.pdf. Paper copies of the available records are available upon request.

Certain portions of the material responsive to your request are exempt from disclosure pursuant to exemption (1) of the Code.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,

Daniel D. Duffy
FOI Administrator

225 Park Avenue South, 17th FL
New York, NY 10003
T: 212 435 3642 F: 212 435 7555

From:	WTC SMST2 Users
To:	MaryRegina_Shane@concentra.com
Cc:	jim.hummel@skanska.com; Terry.o"connell@gcinc.com; john.kane@gcinc.com; bborst@tishman.com; fgarzon@tcco.com; ptg@deainc.com; rlora@tishman.com; Dougherty, William; Reiss, Alan; Keane, Jim; jennifer-smith@concentra.com; david.collins3@aecom.com; McPherson, Javana; Schwed, Joseph; Plate, Steven; Donovan, Michael; cheryl.rabb@aon.com; mjansky@regionalreporting.com; Pereira, John; Felipe, Thomas; Shannon, Robert; sheldon.soleyn@dot.gov; crystal.staley@aon.com; Bryan, Raymond; Arnott, Robert; nancy.voltura@kkcsworld.com; charles.bennardo@aon.com; mcrawford@gemorg.com; Riveros, Henry; john.dibrita@aon.com; John.O"Sullivan@aon.com; MaryRegina_Shane@concentra.com; rpistoli@thacherassociates.com; Suarez, Jasmine; Dounis, Sophia; Escobar, Daysi; hdefrancesco@regionalreporting.com; Pisman, Boris; Jones, Walter; michael.mcallister@aig.com; jim@thacherassociates.com; Romano, Robert; fbaldino@safirrosetti.com; Donovan, Patrick; Grieco, Michael; michael.castelli@aiuholdings.com; Hennessy, Raymond
Subject:	New Incident Report For Skanska Granite
Date:	Friday, October 24, 2014 2:14:21 PM

Incident Details: ID 4895

Posted by: Mary Regina Shane

Date & Time of Incident: 10/24/2014 1:15 PM
First Name: Curby
Last Name: Toussaint
Craft: Ironworker
Supervisor:
Foreman: Rob Hernandez
Shift: 1st - 7:30am

Contractor: Skanska Granite
Sub-Contractor:
Package: PATH Transit Hall
Location: Tran.hub Fulton St, gr. level

Injury Type: Laceration
Body Part(s): Hip, Reproductive Sys., Back, Groin
Side of Body: Both

Description of Incident:

Worker relates he was standing at side of rebar bending machine, a concrete buggy passing close by, struck him pushing him forward into the rebar machine

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Incident Report
Field Version

What steps will be taken to prevent reoccurrence?

- Employee taken for immediate medical Help.
- Witness statements gathered
- Post incident meeting 10/27/2014 @ 7:30 AM.

Object or substance that caused incident?

Concrete buggy

Witness First Name:	Witness Last Name:	Witness Phone:
Sean	Byrnes	

Witness Statement (Describe the incident to the best of your ability):

On file separately.

Incident Type:	Contusion
Body Part Injured:	Right - groin.
Clinic or Hospital Name:	Concentra Medical → EMC → NY Presbyterian
Was first aid given on site?	Checked out @ Concentra
Details of first aid given:	" "
Was employee taken to the hospital?	200 Chambers EMC via Private Auto, NY Pres via Ambulance
If yes, was employee transported by:	☒ Private Auto ☒ Ambulance (Non-emergency)
Name and address of doctor/hospital:	EMC · 200 Chambers Street NY Presbyterian Down Town - 170 Williams Street.

Activity Information:	Bending Rebar
Triggers:	N/A
Was proper PPE worn at time of incident?	Yes
Time employee worked on project:	2-3 years
SSL Rank:	Middle of Pack
Incident Occurred a day before/after a vacation/holiday?	NO
Hours worked in previous 7 days:	40-55
Days worked consecutively (including weekends)?	0-5

Is this incident OSHA reportable?	NO
Full return to work received?	Yes

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Incident Report
Field Version

Incident Number:	04169
Project Name:	WTC PATH HALL
Project Owner:	Port Authority
Is This Project a JV?	Yes w/ Granite North East + Stronstra Building
Date Of Incident:	10/24/2014
Time Of Incident:	1:10pm
Employee Type:	Lather
Contractor:	SGS
Employee Name:	Curby Toussaint
Subcontractor Employee Name:	N/A
Sex:	Male
Marital Status	N/A
Date Of Birth:	Exemption (1)
Language:	English
Shift:	1st
Trade:	Lather
Insurance Carrier:	Charles
Employee Foreman:	Rob Hernandez
Employee Supervisor:	Jim Byrnes / Ryan Hirce
Investigated By:	Jamie Smith

Construction Plan or Take 5 prepared for this activity?

Yes

Where did the accident or exposure occur?

Top Side on Fulton Street at the North End of the Job.

Brief Description of Incident

Contusion to right side of groin caused by concrete buggy

Describe the activity at time of incident (Be specific)

Employee was operating a rebar bending Machine.

How did the Incident Occur? (Describe Fully)

Operator of concrete buggy lost control and briefly pinned Mr. Toussaint to the rebar bending machine he was operating.

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Incident Report
Field Version

Return to work date:	10/27/2014
Total Restricted Days:	0
Last Day Worked:	10/24/2014
Total Days Away From Work:	0

Messages		
Creator	Title / Subject	Date Sent

Superintendent's Name and Signature

Date

Project Manager's Name and Signature

Date

MB1600 TORO
298

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