

# “A totally preventable catastrophe”: Families of two Chicago construction workers initiate lawsuits after one dies, another critically injured

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The families of two Chicago construction workers have filed lawsuits against two building firms following the death of one 27-year-old construction worker and critical injuries suffered by another 36-year-old worker.

Both workers fell nine stories from their scaffolding at a construction site at the University of Chicago Medical Center campus nearly two weeks ago amid high winds.

The worker who died has been identified as David O'Donnell, a technical engineer. An obituary for him reads, “David was born and raised in Oak Forest, along with his four brothers. ... He was known for his bright smile and infectious laughter, as well as being the person you could count on having your back in tough circumstances. David excelled at everything he put his mind and incredible work ethic to.

“After graduating, he followed up on a lifelong promise to his father, and joined him as a technical engineer. They would go on together, along with his Uncle Eamon, to help build some of the tallest skyscrapers you will see in Chicago. It was during this time that David earned the love and respect of the union brothers of the Local 1 Ironworkers, by virtue of his endearing personality and industrious nature.”

David's brother, Patrick, told the press the family was grief-stricken. “We're missing one of our own,” he told the press. “We just can't believe he's gone.”

The critically injured worker, Jeffrey Spyрка, is recovering but suffering “life-altering, catastrophic injuries,” according to his lawyers from the GWC Injury Partner law firm. A GoFundMe has been set up to help Spyрка and his family, which includes his wife and three young children.

According to Larry Langford, director of media affairs for the Chicago Fire Department, “The accident occurred when the wind caused scaffolding to blow away from the building. They [the workers] appeared not to be tethered.” Langford said winds were over 55 miles per hour at Midway Airport around the noontime accident. The National Weather Service reported wind gusts of 35

to 40 mph throughout the day across the Chicago region.

The construction workers were doing work on the outside of an elevator shaft on the eighth floor of the University of Chicago construction site. They both fell over 100 feet into the ground pit that was supposed to be the basement of the building.

The federal Occupational Safety and Health Administration (OSHA) has launched investigations into multiple companies. These companies include the general contractor, Turner Construction; the employer of O'Donnell, High-Tech State-Out Inc.; the employer of Spyрка, New Horizon Steel of Chicago; and the company responsible for the scaffolding, Adjustable Concrete Construction.

## “An absolutely callous act of negligence”

Spyрка's family and attorneys are seeking over \$200,000 in damages and additional costs, while the O'Donnell family's lawsuit filing is currently pending court approval for an estate administrator.

Attorneys representing both families said the workers were accessing the scaffold when high winds caused a corner to separate. One section of the scaffold then “swung violently from the wall” and plunged the workers to the ground, according to the lawyers.

A statement by the law firm notes:

The suit alleges that the general contractor failed to take appropriate safety measures to ensure that the massive scaffold system that surrounded all sides of the core of a new building under construction was safely and properly erected, as well as the fact that Turner caused and permitted scaffold work to continue at high levels on the exterior of the building's core when the presence of high winds were known to the contractor, but completely

ignored, thus compromising the health and safety of the lives of those men that were working on the scaffolding.

The second Defendant, Adjustable Forms, Inc., is a major concrete contractor that has also been involved in hundreds of concrete building projects in Illinois. Adjustable Forms constructed a massive concrete form pouring system with a trailing scaffold that was 20 feet below the form pouring section that is used by the involved workers to perform their work from.

The suit alleges that Adjustable Forms failed to properly build the scaffold so that the corners of the structure could not separate, resulting in movement of the scaffold under any conditions, including in high wind conditions.

According to OSHA safety standards, wind speeds over 40 miles per hour are considered “high winds” and therefore unsafe. Such conditions become a danger to workers when they can get blown from a high place, when winds cause workers to lose control of equipment material or when wind speeds expose workers to other dangerous hazards.

But according to Louis Cairo, one of the attorneys at GWC, the winds alone were not the primary issue as much as the poor construction of the scaffold. He told the press, “OSHA has a provision that requires a hanging scaffold of this type will withstand up to 70 mile-an-hour winds. This one was even safer than OSHA requires by 10 miles an hour.”

Cairo also added in a statement, “Neither of these families should have to go through this. These workers should have never been working on what turned out to be an unsafe, dangerous scaffold perched over 100 feet in the air.

“This was an absolutely callous act of negligence and misconduct by major construction companies who viewed progress on the job as their priority rather than the safety of the workers on the job. The evidence will prove that this was a totally preventable catastrophe.”

### **“This should never, ever happen”**

In a statement to CBS, Frank Burg, a construction safety expert and former OSHA employee, was blunt in his criticism of the construction companies and the lack of proper safety measures.

“This should never, ever happen,” Burg said. He noted that workers who are suspended from a scaffold are required to wear tethered harnesses. He explained, “So no matter what happens to that scaffold—if it falls, or blows around in the wind, or whatever happens—the worker is still going to be safe, at least safe in a harness.”

The result of the OSHA investigation will likely be a slap on the wrist and fines that are a mere pittance to the suffering of the workers and their families.

This has been the case with nearly every workplace fatality in the United States. Thousands of workers die or are injured every

day in America’s factories and workplaces, and the companies responsible are largely left untouched.

Fines of a few thousand dollars do not fundamentally affect companies such as Turner, whose revenue was over \$17 billion in 2023 alone. In fact, two other construction workers were injured last year when a piece of equipment fell on them while working for Turner Construction at the very same site at the University of Chicago campus.

Recently, 28-year-old Caterpillar worker, Daulton Simmers, was killed within seconds by molten metal at the Caterpillar foundry near Peoria, Illinois. The foundry has a record of unsafe conditions, and three workers have died in the last few years alone even as Caterpillar neglects to implement any serious safety measures. A \$145,000 fine by OSHA for the death of Steven Dierkes, a worker at the same foundry who fell into a vat of molten metal and died of “thermal annihilation,” was immediately contested by Caterpillar.

Last week, a young 24-year-old worker was also killed when sheet metal fell on him at DPR Manufacturing in Michigan. A 33-year-old ironworker in Northeast Portland also died last month from “catastrophic blunt force trauma” when a forklift rolled onto her.

In 2022 alone—the last tally of workplace deaths reported—the Bureau of Labor Statistics documented 5,486 fatal work injuries in the United States, a 5.7 percent increase from 2021. Almost one in five workplace fatalities took place in the construction industry. Over 240,000 workers die every year from other workplace-caused health issues from exposure to chemicals, according to OSHA.

American factories more and more resemble industrial slaughterhouses as companies seek to make massive profits at the expense of their workers. According to the International Labour Organization, over 2.3 million individuals worldwide lose their lives to work-related accidents or diseases annually, averaging more than 6,000 deaths each day.

This process has been going on for decades, with the full complicity of the trade union bureaucracies and the capitalist political parties in the United States and internationally.

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