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Family of Man Killed in 2021 Forklift Incident at Frenchman's Reef Jobsite Awarded Nearly \$6.9 Million

A Superior Court jury ruled in favor of the family of John Nigg, who died in a forklift accident at a resort construction site in 2021. The lawsuit cited lack of proper training, absence of a safety plan, and a missing spotter as key failures

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The Westin Beach Resort & Spa at Frenchman's Reef in St. Thomas, USVI.

Earlier this month, the family of a man who died in a horrific construction accident in 2021 was awarded millions of dollars in compensation by a Superior Court judge.

On July 17, 2021, 50-year old John Nigg was operating a forklift on the site of Frenchman's Reef & Morning Star Marriott Beach Resort, which was undergoing major renovations at the time. The

forklift toppled over and Mr. Nigg was [trapped beneath it and crushed to death](#).

In 2022, members of his family filed a lawsuit against the contractors and the construction company involved in the project, claiming that Mr. Nigg's employers failed to properly train him on forklift operating procedures. The civil suit also contended that a spotter had left their post near where Mr. Nigg was working just prior to the accident, and that there was no safety plan in place at the work site at the time of the man's death.

A settlement offer of \$300,000 was declined and the matter went to trial, starting on February 10 of this year. After four days of hearing testimony and examining evidence, the jury sided with the plaintiffs, awarding damages in the amount of \$7,657,414.

However, since the deceased man was found to be 10% at fault for the fatal accident, Superior Court Judge Carol Thomas Jacob ordered the total figure reduced by that percentage, leaving \$6,891,672.60 to be paid by defendants PDSI, Bluewater Construction, and Jeremy Henkel in amounts proportionate to the liability assigned to them by the jury – 25%, 45%, and 20% respectively.

The suit also originally included CREF3, the property's owner, as a defendant, but the parties had reached a settlement before the matter went to trial.

“We are proud to have accomplished justice in this case and to have achieved accountability and closure for the bereaved mother we represent,” said Morgan & Morgan founder John Morgan and attorney Kendall Shortway. They noted that “each defendant in this case refused to take responsibility for what happened, despite someone being killed on the job site of a \$400 million-dollar project. They continued to blame the deceased – and each other – until the moment the jury decided in our favor.”

Morgan & Morgan attorney Grant Gillenwater and Gower Legal attorney Jacob Gower also provided representation to the plaintiffs.