



L-R: Kevin P. O'Brien, Tyler J. Stampone, Brock J. Atkins of Stampone O'Brien Dilsheimer Holloway. Courtesy photos

NEWS

Live Nation, Stage Crew Reach \$18M Settlement for Forklift Accident After Concert at Phillies' Stadium

"My client is happy to have this trial behind him and is thankful to his medical team for saving his life and his leg. He is hopeful that the lessons about forklift safety are learned from this incident and trial, so that something positive may come out of this tragedy," said the photographer's attorney, Kevin P. O'Brien, of Stampone O'Brien Dilsheimer Holloway.

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5 minute read

By Riley Brennan

The Phillies, Live Nation, and a staging company settled a personal injury suit for \$18 million last week on behalf of a

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band photographer who was crushed by a forklift following a concert at Citizens Bank Park.

The settlement was reached Nov. 1, following seven days of trial in the Philadelphia County Court of Common Pleas before Judge Caroline Turner. The suit originally sought \$20 million on behalf of Jake Chamseddine, who was working as a photographer on Green Day's Hella Mega Tour in 2021, when he suffered numerous, ongoing injuries, including a lacerated femoral artery, broken pelvis, broken femur, and broken lower back. Multiple defendants were named in the litigation, including the Phillies, Live Nation, their subcontractor stage equipment provider, Tri-State Stage Labor, and Tri-State's employee Michael Conenna.

"This settlement is a reflection of the commitment of the lawyers at Stampone O'Brien Dilsheimer Holloway to forklift safety in workplace settings, particularly around pedestrians. When companies who operate forklifts in pedestrian settings fail to take steps to ensure their operators are properly trained, certified, and have read the operator's manual, we will stop at nothing to hold them accountable to the innocent workers they expose to harm," said the photographer's attorney, Kevin P. O'Brien, of Stampone O'Brien Dilsheimer Holloway, in Cheltenham, Pennsylvania.

According to O'Brien, the agreement was reached just before Chamseddine was scheduled to testify. Live Nation and Tri-State will pay the majority of the settlement, while the remainder will be paid by the Phillies and others, the attorney said.

"I do credit Live Nation and Tri-State for doing the right thing and resolving the case before my client had to take the

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witness stand, which would have unnecessarily re-traumatized him," O'Brien said. "My client is happy to have this trial behind him and is thankful to his medical team for saving his life and his leg. He is hopeful that the lessons about forklift safety are learned from this incident and trial, so that something positive may come out of this tragedy."

The accident occurred while Chamseddine was attempting to exit the stadium after the show and while Tri-State employees were removing stage and concert equipment from the venue. Conenna, the forklift driver, suddenly jumped off the piece of equipment without engaging the parking brake, according to the [plaintiff's pretrial memo](#).

Chamseddine was walking on the ramp when the unmanned forklift came rolling down the ramp, crushing him between the lift and a concrete metal post, the plaintiff claimed.

According to O'Brien, Live Nation was ultimately in charge of back of the house safety as the host for the event, which included the clean up of equipment, or "load out" of the tour. He noted that Live Nation had entered into a lease agreement with the Phillies to rent the stadium, and had allegedly, improperly directed both pedestrians and equipment crew to use the ramp where the accident occurred.


However, according to Live Nation's [pretrial memo](#), Conenna was liable for the incident. While Live Nation had contracted with Tri-State to provide local labor, including stagehands and equipment operators, it maintained that it didn't know, or have reason to know, that Conenna would stray from the basic safety procedures.

Live Nation argued it was Conenna's negligence in jumping off the moving forklift, and failing to utilize the parking brake that

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caused Chamseddine's injuries, rather than any act of negligence by the company itself.

The Phillies similarly maintained in its pretrial memo that it wasn't negligent and didn't have a duty to warn any party about the obvious condition of the exit ramp when used by forklifts and pedestrians, especially in view of Live Nation's, the tour managers, and Tri-State's knowledge of its use during concerts.

The Phillies claimed it didn't have a duty to warn Chamseddine about the alleged "obvious safety hazard" of the ramp, because Live Nation, the tour manager, and Tri-State knew both forklifts and people were using the ramp. It further maintained that if a hazard was created during load-in and load-out, Live Nation, the Hella Mega Tour and Tri-State were in a better position to observe and correct the hazard.

Meanwhile, Tri-State and Conenna maintained in their pretrial memo that Live Nation and the Phillies should have implemented a safety that was in compliance with federal forklift safety standards. According to the memo, Conenna "had to react to a sudden and emergency situation," and his reactions were reasonable.

Ultimately, an agreement was reached and O'Brien credited all the parties involved for putting on their "human hat" and reaching a resolution prior to forcing Chamseddine to relive the traumatic injury.

The Phillies' attorney, Robert J. Foster, of Reger Rizzo Darnall in Philadelphia, said the team wishes Chamseddine the best, but declined to comment any further.

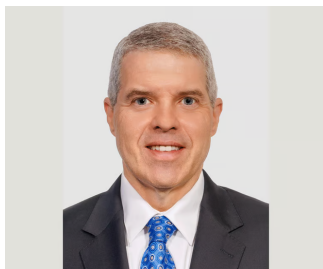
Tri-State and Conenna's attorney, Jonathon E. Cross, of

Marshall Dennehey in Philadelphia, and Live Nation's attorney, Kenneth S. Fair, of Naulty, Scaricamazza & McDevitt in Philadelphia, did not immediately respond to requests for comment.

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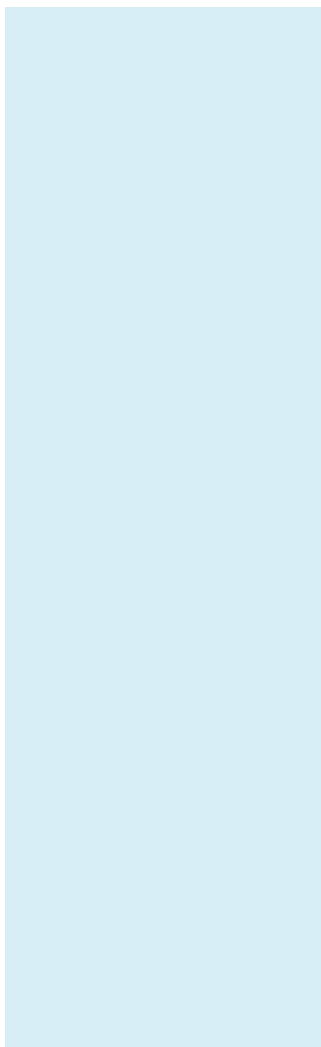


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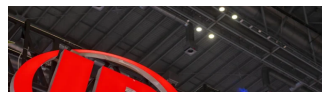
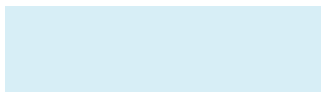


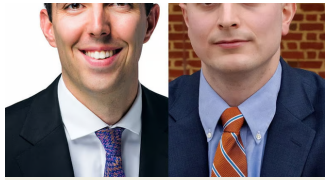
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