
Worker still awaits cash for injury

A Canadian company has ignored a court order to pay \$1.9 million

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In December, Lane County construction worker Danny Davis won a \$1.9 million lawsuit over injuries he suffered in 2007, when he fell through an unmarked hole in the third floor of a downtown Eugene construction site.

But Davis, now 53, has not received a dime of that judgment, and isn't sure exactly who to go after to collect it. So his attorneys this month filed an unusual "Piercing the Corporate Veil" complaint against the U.S. arm of a Canadian corporation that was a flooring subcontractor on the WestTown on 8th Avenue building.

Minaean Power Structures (USA) Inc. has "essentially ignored" a series of orders issued by local judges in the case, according to Davis' lawyer, **Scott Lucas**.

Court records show that Minaean defied Lane County Circuit Judge Charles Carlson's July 2010 order that it produce documents requested by Davis' lawyers to prepare for trial in the case.

The company then notified the court that it would not appear at or defend itself in a Dec. 1 trial. That trial ended with Lane County Circuit Judge Karsten Rasmussen ordering the firm to pay Davis \$1.92 million in damages after hearing from only three witnesses: a construction expert, a doctor and Davis.

Since then, the firm has failed to pay Davis the judgment ordered by Rasmussen.

“They have blown off the court and Mr. Davis, who still deals with some pretty serious injuries,” Lucas said.

Davis filed a new suit, he said, after an investigation revealed that Minaean USA, registered as an Oregon corporation with the Oregon Secretary of State, “has no physical office in the United States.”

“What we are dealing with is a shell corporation set up by a foreign company that caused a serious injury to a construction worker,” Lucas said.

“The company has ignored the court, and refused to pay the judgment entered by the judge. Danny Davis is trying to hold the foreign company accountable for the negligence of its shell company.

The state’s business registry lists Minaean Power Structures USA’s principal place of business as Vancouver, B.C. It lists that country’s Minaean Power Structures Inc. CEO Mervyn Pinto as president of the U.S. division.

The company’s website still lists an Aloha, Ore., U.S. office, but its telephone number has been disconnected.

Ironically, The Register-Guard had no problem piercing the corporate veil to talk directly to Pinto about the case. A receptionist at Minaean’s Canadian headquarters put a reporter’s call straight through to Pinto, bypassing the public relations and legal buffers that often shield CEOs from journalists.

Pinto expressed surprise that the Oregon court had ordered Minaean Power Structures USA to pay \$1.9 million in damages.

“We were not responsible” for Davis’ accident, he said. “We were only the (flooring) system provider.” Pinto blamed a Portland subcontractor on the WestTown project, Columbia Drywall of Portland, which actually installed the flooring.

Davis reportedly fell through a piece of plywood covering a hole that had been cut in the building’s third-story floor for future installation of heating and cooling ducts.

“When Mr. Davis stepped on the unmarked ‘cover,’ it failed,” the lawsuit said, and he fell to a concrete floor 9 feet below. He suffered injuries to his shoulder, head, neck, chest, back,

lower legs and abdomen, according to the suit, which alleged that Minaean also was responsible for supervising the floor's installation.

The initial lawsuit targeted both Columbia and Minaean, but Columbia was dismissed as a defendant in the case after agreeing to pay Davis \$325,000 in a mediated out-of-court settlement reached before trial.

Pinto said Minaean "tried to cooperate and explain to the court" through its Salem lawyer that it was not responsible for Davis' accident. Nevertheless, that lawyer, David Jacobson, offered Davis \$5,000 to settle its role in the matter, Pinto said. He said Jacobson told Minaean that Davis seriously considered accepting that settlement.

Court records show that Jacobson also filed a motion seeking dismissal of Minaean as a defendant in the case. But the court never granted that motion. Jacobson did not respond to a request for comment.

Pinto said Minaean will formally respond to Rasmussen's order if contacted through Canadian courts, but challenged the notion that his company should have to pay nearly \$2 million when he understood that Davis had entertained a \$5,000 settlement.

"Obviously, there is a large gap there," he said.

Lucas this week disputed Pinto's assertion that Davis considered accepting a \$5,000 settlement. According to a pretrial memo, Davis had spent \$85,295 on medical care for his injuries by the time of his December trial, and faces future medical expenses estimated at \$42,856. Rasmussen's order also awarded him \$442,000 in past and future lost wages, as well as \$1.35 million for pain, suffering and other noneconomic damages.