



\$230,000 RECOVERY – PRODCUT LIABILITY – DEFECTIVE DESIGN – DEFECT IN COMMERCIAL FOOD-MIXING MACHINE – LACK OF GUARDING FOR ROTATING BLADES – CRUSH INJURY TO LEFT HAND WITH PARTIAL AMPUTATION OF RING FINGER.

Philadelphia County, PA

The plaintiff alleged that the defendant manufactured an unsafe commercial food-mixing machine that lacked guarding for its rotating blades. The plaintiff sustained a crush injury to left hand while working on the machine in the course and scope of her employment. The defendant argued that it supplied a retrofit guard free of charge to the plaintiff's employer, but the employer failed to install the guard.

The plaintiff was a 30-year-old female who was employed by a food manufacturer in south central Pennsylvania which produced salads and related foods in bulk. Located on the premises of the plaintiff's employer was a mixing machine used to mix potato salads and other foods. The machine included two rotating blades used to mix the foods. On the day of the incident, a co-worker inadvertently started the machine while the plaintiff was cleaning it with her left hand and her hand was caught in the mixer.

The plaintiff suffered crush injuries to her non-dominant left hand with partial amputation of the ring finger. She underwent fusion of the proximal interphalangeal joint of the index finger and her physician reported that she developed post-traumatic arthritis. The plaintiff claimed \$40,780 in past medical expenses; \$30,730 in past loss of wages and \$239,600 in future medical case, including prosthetics needs and future surgery.

The defendant maintained that it had supplied, at no cost, a safety guard to retrofit the machine; but the plaintiff's employer had failed to

ad the guard and was therefore responsible for the plaintiff's injuries. The defense also argued that venue was improper in Philadelphia County under the doctrine of forum non conveniens.

The case was settled prior to trial for a total of \$230,000. The settlement agreement precludes identification of the parties involved.

REFERENCE

Plaintiff vs. Defendant., 9-8-10.

Attorney for plaintiff: Peter M. Patton of Galfand Berger in Philadelphia, PA.