



\$275,000 RECOVERY — PRODUCT LIABILITY – DEFECTIVE DESIGN – UNSAFE PRINTING MACHINE – LACK OF GUARDING FOR NIP POINT BETWEEN ROTATING CYLINDERS – AVULSION INJURY TO RIGHT HAND WITH PARTIAL AMPUTATION OF TWO FINGERS.

Philadelphia County, PA

The plaintiff was working in a packaging plant in South Central Pennsylvania and was operating a printing machine when his right hand was caught in a nip point between rotating cylinders of the machine. The plaintiff brought this product liability/negligence action against multiple defendants, including the manufacturer of the printing machine. The plaintiff alleged that the printing machine was unsafe in that it lacked guarding for the nip point. The defendant manufacturer argued that the original guard on the printing machine had been replaced by an inferior substitute that did not properly guard the nip point.

The plaintiff was a 39-year-old male employed by a packaging manufacturer which produced paper products. Located on the premises was a printing machine which included an ink station used to ink paper products moving through the machine.

The plaintiff was the lead operator for the printing machine and was in the process of shutting the machine down. He claimed that his right hand inadvertently entered the machine when he tried to clean a scrap of paper off a cylinder and his hand was caught in a nip point between the rotating cylinders. The plaintiff alleged that the defendant was aware of the need for additional interlocked guarding, but failed to provide the guard for the area in question so that it was left improperly guarded.

The plaintiff sustained avulsion injuries to his dominant right hand with partial amputation of

his small and middle fingers. He claimed \$21,851 in past medical expenses; \$720 in past loss wages and \$267,300 in future medical expenses.

The defense maintained that the replacement of the original guard was a substantial change that eliminated all liability on the part of the defendant manufacturer and that the plaintiff's employer was responsible to safeguard the machine. The defendant argued that the plaintiff was aware that he should not have reached into the machine and he violated company rules. The defendant was also prepared to argue that the plaintiff was fired within weeks of the incident after results of a drug test shows marijuana metabolites in his system and that he told a medical professional that he smoked marijuana daily.

The case was settled prior to trial for a total \$275,000, \$200,000 of which was paid by the defendant manufacturer. The settlement agreement included a confidentiality clause.

REFERENCE

Plaintiff vs. Defendant., 9-27-10.

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