

\$325,000 RECOVERY – PRODUCT LIABILITY – ALLEGEDLY DEFECTIVE AUTOMATED CELL LINE – LACK OF APPROPRIATE GUARD SYSTEM – COMMINUTED FRACTURE OF NON-DOMINANT RING FINGER – EVENTUAL FINGER AMPUTATION.

U.S. District Court, Middle District of Pennsylvania

The plaintiff, 44 years old at the time, was employed as a machine operator for a company that manufactures brake parts for the automotive industry. The plaintiff alleged that the defendant designed and manufactured a defective automated cell line, which lacked an appropriate safeguard device for the hold-down clamp. The plaintiff claimed that the hold-down clamp unexpectedly and unintentionally actuated, crushing the plaintiff's finger and leading to an eventual finger amputation. The defendant argued that the area where the plaintiff's finger was crushed was a component which was fabricated and supplied by the plaintiff's employer.

Less than two years before the plaintiff's accident, the plaintiff's employer requested an engineering quote from the defendant to integrate a manual production operation into an automated system. Consequently, the defendant engineered an automated cell line that consisted of a series of four integrated operating stations.

Rather than have four machine operators at four different work stations process the part manually, the defendant designed a new method that allowed a work piece to be processed automatically, with an integrated system performing all of the mechanical functions.

The specifications for the automated cell line were provided to the defendant by the plaintiff's employer. The plaintiff's employer further provided the defendant with the design parameters and production criteria. The defendant then designed and manufactured the automated cell line. However, it was the plaintiff's employer that installed the automated equipment at the automotive plant.

The defendant provided perimeter guarding around the entire automated system. As for the shear hold-down clamp, the defendant provided an interlock guard that would stop production when the guard was opened. On May 24, 2005, the plaintiff had inserted a long piece of bar stock into the machine for processing. After a series of cuts, a small remnant was left under the shear hold-down clamp. When the plaintiff reached to pull the piece of stock scrap from the machine, he claimed that the hold-down clamp unexpectedly actuated and came down on his non-dominant left ring finger, crushing it. The plaintiff subsequently underwent surgical amputation of the long finger. He returned to work, two months post-accident, at wages equal to his pre-accident wages.

The plaintiff's mechanical engineer opined that the interlocked point-of-operation guard for the automated cell line equipment was defectively designed and manufactured, because it permitted the automated system to initiate the unintended and unexpected cycle with the guard in the open position.

The defendant argued that the automated cell line equipment was designed in part by the plaintiff's employer and that the particular area where the plaintiff's finger was crushed was a component fabricated and supplied by his employer.

Further, the defendant contended that the plaintiff failed to lock out and tag out the machine before placing his hand underneath the shear hold-down clamp and, therefore, assumed the risk of his injuries.

The case settled prior to trial for \$325,000.

REFERENCE

Plaintiff's mechanical engineer: Ralph Lambert, Jr., from Gettysburg, PA. Plaintiff's orthopedic surgeon: Sanjiv Naidu of Mechanicsburg, PA.

Arentz vs. Defendant. Case no. n/a; Judge Yvette Kane, 3-6-07.

Attorney for plaintiff: Richard M. Jurewicz of Galfand Berger, LLP in Philadelphia, PA.

COMMENTARY:

The plaintiff initially believed, as did his employer, that the piece of equipment at issue malfunctioned to cause the plaintiff's finger injury. However, through discovery, evidence was established that, when the plaintiff reached into the machine to remove the scrap piece, a portion of the bar stock advanced and came in contact with a sensor causing the automated cell system to go into the "advance mode". This resulted in the shear hold-down clamp crushing the plaintiff's finger.

The plaintiff's theory of liability hinged on the argument that the shear gate guard, as designed by the defendant, did not prevent unintended or unexpected cycling of the shear hold-down clamp in the event the sensor of the shear was activated when the shear gate was in the open position, thereby rendering it deficient and unsafe.

The defense was expected to point to the plaintiff's employer as the fabricator of the specific component which caused the plaintiff's injury. In addition, the defendant argued that the plaintiff failed to follow safety protocol which dictated that he properly lock out and tag out the machine before attempting to clear the clog. Accordingly, comparative negligence would have been a major issue had the case reached trial. The plaintiff's co-workers and employer both testified that they believed it was safe to reach into the machine when the guard was in the open position.