

Machine operator's arm sucked into piece of equipment

\$1.5 million settlement

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A then-55-year-old machine operator was attempting to clean a roller when his left arm was pulled into an unguarded in-running nip point. He remained trapped for several minutes as the rollers continued to pull him further into the machine.

The machine was purchased from a used machine dealer that had not performed any risk assessment or hazard analysis and sold the machine to the employer.

The employer had also engaged the services of an outside engineering company to help set up and integrate the machine with a larger production line.

The plaintiffs alleged that the dealer failed to conduct any sort of safety analysis and sold the machine without guards or proper instruction, and that the engineering company failed to properly locate safety stop devices and allowed the machine to go into production with unguarded hazards.

The plaintiff employee suffered numerous orthopedic injuries to his left arm and shoulder, chest and ribs, and knee. He also developed post-traumatic stress disorder and anxiety.

The plaintiff's spouse made a loss of consortium claim because she had become more of a caretaker than a life partner to her husband in their golden years.

Plaintiffs' counsel were able to defeat summary judgment motions from both defendants and were able to resolve the case through mediation a few months before trial.

Action: Negligence and tort

Injuries alleged: Numerous orthopedic injuries

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (mediated)

Name of mediator: Geoff White

Amount: \$1.5 million

Special damages: Lost earning capacity, \$780,000; medical bills, \$200,000

Most helpful experts: David Morley, M.D.; Robert Holt, safety design engineer

Date: April 10, 2023

Attorneys: Thomas P. Kelley and Richard J. Sullivan, of Sullivan & Sullivan, Wellesley Hills; John J. McCarthy of Doherty, Wallace, Pillsbury & Murphy, Springfield (for the plaintiffs)

Detailed Information

Type: Mediation

Total Value: \$1,500,000.00
Verdict/Settlement Date: 4/10/2023
Type of Action: Negligence & Tort
Court: Confidential
Case Number: Confidential
Caption: *Confidential v. Confidential*
Plaintiff(s) v. **Defendants(s)**
Confidential Confidential
Injuries Alleged: Leg, knee, ankle, foot
Injuries Detail: Numerous orthopedic injuries
Special Damages: Lost earning capacity, \$780,000; medical bills, \$200,000
Tried Before: Mediation
Judge or Mediator or Arbitrator: Geoff White

Attorney(s) for Plaintiff(s)

Lead Attorney: Thomas P. Kelley
Firm: Sullivan & Sullivan (Wellesley Hills, Massachusetts)

Other Attorney: Richard J. Sullivan
Firm: Sullivan & Sullivan (Wellesley Hills, Massachusetts)

Other Attorney: John J. McCarthy
Firm: Doherty, Wallace, Pillsbury & Murphy (Springfield, Massachusetts)

Attorney(s) for Defendant(s)

No defendant attorneys

Insurance Carrier(s)

No insurance companies involved

Plaintiff(s) Expert(s)

Expert: David Morley
Title:
Specialty: Medical - Internal medicine
Company/Institution:
City/State:

Expert: Robert Holt
Title:
Specialty: Engineering (Safety design engineer)
Company/Institution:
City/State:

Defendant(s) Expert(s)

No defendant experts

