

DAUPHIN COUNTY

PRODUCTS LIABILITY

Design Defect — Industrial Machinery — Manufacturing Defect

**Mechanic claimed defective
printing press crushed hand**

VERDICT	\$731,818
CASE	Phillip R. Smith v. Dauphin Graphic Machines Inc. No. 2012-cv-4206
COURT	Dauphin County Court of Common Pleas
JUDGE	William T. Tully
DATE	6/12/2014

PLAINTIFF

ATTORNEY(S) Richard M. Jurewicz, Galfand Berger, LLP,
Philadelphia, PA

DEFENSE

ATTORNEY(S) Kevin J. Ruane, Hendrzak & Lloyd,
Center Valley, PA

FACTS & ALLEGATIONS On Oct. 24, 2011, plaintiff Phillip Smith, a mechanic in his 50s, was greasing a fitting in an offset printing press in Lancaster, where he worked for a printing company. Smith claimed that as he began standing from a crouched position he slipped and his left (non-dominant) hand was drawn into the in-running nip point created between the in-feed drive cylinder roller and the idle cylinder roller. Smith's fingers were crushed, and he suffered fractures of his long and ring fingers of his left hand.

Smith sued Dauphin Graphic Machines Inc., the designer, manufacturer, and installer of the printing press, on claims of strict liability, products liability (design defect, failure to warn), and negligence. (Smith's claims of negligence and failure to warn were withdrawn prior to trial.)

An expert in mechanical engineering opined that the printing press was defective because the in-feed roller lacked a nip-point guard (a piece of sheet metal that acts as a barrier to prevent a user's fingers or clothing from being caught in the cylinder roller).

Two of Smith's coworkers testified that the nip-point guard was never on the machine after it was installed, and assembly drawings were missing guard drawings. Smith's counsel presented photographs of the machine that reportedly showed no nip-point guards. Smith's counsel also presented a materials invoice that showed nine nip-point guards were estimated but no dollar-amounts were calculated in the adjoining cost column.

Smith's expert in mechanical engineering further faulted Dauphin Graphic Machines for its failure to outfit the machine's floor plate-guard with an interlock system, which would shut off the machine when the plate guard was in the upright position for access to the in-running rollers.

The defense's expert in mechanical engineering, who was the chief engineer of the printing press' design, stated that the machine was designed and equipped with nip-point guards, and the machine was not defective. The expert concluded that Smith's employer must have removed the guards following installation. The defense cited records that indicated the nip-point guard was provided and in place at the time of installation.

According to the expert, the floor plate-guard was designed to be raised so press operators could observe the paper being printed as it passed through the machine. The interlock system that Smith's expert proposed was impractical and would defeat the purpose of raising the floor plate, and that it would block the operator's view of the paper moving through the machine.

The defense pointed to Smith's admission that he was aware there was no interlock to shut off the press if the floor

plates were raised, and that there was no barrier guard at the in-running nip point near the bearing that he intended to grease. The defense further noted that Smith testified that he should not have put his hands in or near the machine. The defense maintained that the photographs presented by Smith's counsel were taken while the machine was being built and did not show the machine after it was fully installed.

INJURIES/DAMAGES *avulsion (non-fracture); contracture; crush injury, hand; debridement; external fixation; fracture, phalanx; laceration; physical therapy; pins and rods; scar and/or disfigurement; scar tissue; skin graft; swelling*

Smith was taken by ambulance to a hospital, where he was admitted and diagnosed with fractures of the proximal interphalangeal joints of the long finger and ring finger of his left hand. He further suffered a laceration/avulsion in the webbing between his thumb and index finger. He received debridement, irrigation, and repair to his injured fingers, and a percutaneous pin fixation was implanted in the proximal interphalangeal joint of his ring finger. Smith was discharged the next day. A week later, after swelling reduced, Smith began a five-week course of occupational therapy, which included range-of-motion exercises, whirlpool, and therapeutic exercises. Smith returned to work in November and worked through February 2012, when the pin fixator was removed. He resumed therapy through June 6.

On May 8, Smith, having been diagnosed with a contracture, underwent a contracture release, which involved scar excision, a skin graft, and volar-plate excisions of the long and ring fingers' proximal interphalangeal joints. No further treatment was rendered after June 6, and Smith sought to recover \$20,317.80 in stipulated medical expenses.

In his testimony, Smith's orthopedic surgeon discussed the extent of Smith's injury and treatment, opining that Smith was able to return to work with no medical restrictions. He sought to recover \$11,500 (a stipulated amount) for the time he initially missed from work and from February through June 2012.

Smith claimed that his inability to have his long finger and ring finger touch his palm interferes with his dexterity and fine-manipulation skills. He is able to perform all activities (e.g., tying his shoes, buttoning a shirt) of daily living, but it reportedly requires more time. He sought to recover unspecified amounts in noneconomic damages for past and future pain and suffering and loss of enjoyment of life.

The defense did not dispute Smith's injuries and treatment.

RESULT The jury found that the printing press was defective when it was installed and that its defective condition caused Smith's injuries. Smith was determined to receive \$731,817.80.

VERDICTSEARCH PENNSYLVANIA

PHILLIP R.

SMITH \$20,318 past medical cost
\$100,000 past loss enjoyment of life
\$11,500 past lost earnings
\$100,000 past pain and suffering
\$500,000 future pain and suffering
\$731,818

DEMAND \$425,000
OFFER \$100,000

INSURER(S) Zurich North America

TRIAL DETAILS Trial Length: 3 days
Trial Deliberations: 50 minutes

PLAINTIFF

EXPERT(S) Vincent Battista, M.D., orthopedic surgery,
Lancaster, PA (treating)
Bartley J. Eckhardt, P.E., mechanical,
Lancaster, PA

DEFENSE

EXPERT(S) Andrew Welker, P.E., mechanical,
Millersburg, PA

EDITOR'S NOTE This report is based on court documents
and on information that was provided by plaintiff's counsel.
Defense counsel declined to contribute.

-Aaron Jenkins