



VERDICTS & SETTLEMENTS

Packing Material Ignited In Factory

Worker Suffered Severe Burns



MARY COFFEY



GENEVIEVE NICHOLS

\$4.8 Million Settlement

An industrial worker who was severely burned when packing material caught fire near him sued the manufacturer.

In its business the worker's employer used packing material supplied by the defendant. The packing material was actually created on-site by a machine furnished by the defendant that converted flammable gas into the packing material. The defendant also provided on-going technical advice to the employer.

In 2000 the 21-year-old worker was using the material when it suddenly ignited, causing second and third degree burns on the upper half of his body. He claimed the fire was caused by static electricity and that the defendant was strictly liable due to inadequate warning and improper design of the raw material. He also said the defendant failed to properly train him and other employees at the factory.

The defendant argued that it had no duty to train or supervise the company's employees. It also said that the accident was caused by the worker's smoking, not by static electricity.

After mediation the parties settled for \$4.85 million.

Type of Action: Products liability

Type of Injuries: Second and third degree burns

Court/Case Number/Date: U.S. District Court, E.D.Mo./Confidential/Confidential

Caption: Doe v. ABC Co.

Judge, Jury or ADR: Mediation

Name of Mediator: Bill James

Special Damages: \$750,000 medical expense

Verdict or Settlement: \$4.85 million settlement

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorneys for Plaintiff: Mary Coffey and Genevieve Nichols, St. Louis

Insurance Carrier: Not disclosed

Plaintiff's Experts: Dr. Edward Colombo, Penfield, N.Y. (industrial chemist); Patrick Kennedy, Sarasota, Fla. (fire cause and origin); Bill Kitzses, Boca Raton, Fla. (warnings expert)

Defendant's Experts: None