

## **Worker Wins \$300,000 For Machine Injury**

**Newman v. Niagara**  
\$300,000 verdict

**Court and Case No.**  
C.P. Philadelphia No. 4126 March Term 1990

**Judge:** Gene Cohen

**Type of Action:** Products Liability

**Injuries:** Index finger amputated, long finger crusher

**Plaintiff's Attorney:** LOUIS PODEL, Philadelphia

**Defense Attorneys:** Kevin Ruane and Gerald Valentini, Philadelphia

**Plaintiff's Experts:** Donald Thomas, Ph.D., liability, Dr. Lawrence Schneider, damages

**Defense Expert:** William Eaton, liability

Gregory Newman amputated his non-dominant index finger and crushed his long finger in a work accident. The injury occurred when Newman, 28 years old and an inexperienced press operator, inadvertently activated a punch press by stepping on the mechanical foot pedal.

Newman sues Niagara Machine Tool Co., which manufactured the press in 1950 and K.G. Partnership, which owned the machine and leased it to G.K., Inc., Newman's employer.

Suit claimed the press was defective because it lacked a guard over the foot pedal, a point-of-operation guard and warnings about the need for point-of-operation guarding.

The owner of the machine defended on the grounds that only the lessee/employer was in a position to guard the press. Plaintiff's counsel showed, however, that the general partner of K.G. Partnership and the president of G.K., Inc. were the same person.

Newman claimed medical bills of \$22,000 and wage loss of \$7,000. He said he needed two operations and continued to suffer grasp weakness, left arm weakness and hypersensitivity to cold.

Both defendants were found negligent and the plaintiff was found 1 percent comparatively at fault. A verdict was returned for the plaintiff of \$300,000 plus delay damages.

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