

**ARNOLD BROWN v. SCOTT HUBER, ESSICK,
DIVISION OF FIGGIE INTERNATIONAL AND
ALEXSON SUPPLY, INC.**

Court and Docket No: Philadelphia County of Common Pleas, April Term, 1988, No. 1647

Judge: Richard B. Klein

Facts: Arnold Brown had his right hand crushed by the blades of a mortar mixer manufactured by defendant, Scott Huber Essick. On March 11, 1987, Mr. Brown was cleaning the inside of a cement mixer when the mixer's clutching mechanism jumped into gear. The mixer blades grabbed Mr. Brown's right sleeve and dragged his hand into the mixer.

Injuries and Damages: Mr. Brown's right hand had multiple fractures, tendon damage and motor branch nerve palsy. Mr. Brown sought both past and future wage losses, pain and suffering.

Plaintiff's Contentions: Plaintiff contended that the mortar mixer was defectively designed because if there was a failure in the gear mechanism, the mixer would go out of neutral into gear. Although the gear lever was bent and, therefore, could not "lock" into neutral, plaintiff argued that such damage could be anticipated and, therefore, the machine should "fail safe," namely, go into neutral if there were a problem. Plaintiff also asserted there were other defects in the machine and its warnings.

Defendant's Contentions: Defendant contended that its product, the mortar mixer, was not defectively designed and that the product had adequate warnings. Defendant contended that the mixer was substantially modified and that these modifications were unforeseeable. The gear lever had bent, making it impossible to go into a catch to lock, and further someone had welded a tie down mechanism so that the gear lever could not have locked even if it were not bent.

Verdict: The jury found damages for Arnold Brown of \$900,000. Plaintiff claims delay damages of \$493,803.45.

Plaintiff's Expert Witnesses: Craig D. Clauser (engineering expert); Peter Nesbitt (disability evaluator); John S. Taras (medical expert).

Defendant's Expert Witnesses: Darrel Vincent (engineering expert); Thomas Voit (mechanical engineering expert).

Plaintiff's Attorney: Louis Podel, Esquire

Defendant's Attorney: Frederick Hanselmann, Mylotte, David & Fitzpatrick.

Verdict
January 1994