

Products Liability: Airline Walkway

Settlement: \$775,000

Plaintiff Attorneys:	Donald Joseph Beck & Lawrence R. Booth (Law Offices of Booth & Koskoff), Torrance	(310) 515-1361
Defendant Attorney:	Confidential	
Court:	JAMS	Judge: Confidential
Insurance Co.:	Lloyd's	Date: 5/21/97
Case:	Confidential	

Facts: Plaintiff, a 42-year-old female airline passenger service agent, was injured by a telescoping "bridge" through which passengers walk to and from the airplane. The "bridge" was manufactured by the Defendant.

Injuries: Open fracture of minor hand and carpal tunnel syndrome of the major hand from compensating overuse, psychological injuries, fracture of thumb and ring finger on left minor hand. **Treatment:** Open reduction and laceration repair; a non-union required second surgery three months later with implantation of plate and screws, and repair of nerve injury. A third surgery occurred one year after the accident for removal of hardware and further tendon repair. Fourth surgery two years after the accident for carpal tunnel syndrome on the same hand and the implantation of wires in the ring finger. **Residuals:** Surgery was recommended for carpal tunnel syndrome on the major right hand which flared up after the accident.

Medical Costs: \$79,000 past, workers' compensation lien of \$127,000 which was not complete

Loss of Earnings: \$100,000 to date, less \$40,000 in workers' compensation temporary disability benefits, \$900,000 future

Contentions: Plaintiff claimed the telescoping "bridge" was defective in that it was subject to the operator's minor hand being caught in the accordion folds, when the bridge was drawn back because of the location of the operator relative to the folds and the Defendant failed to warn. There was a need for pinch point protection. The Defendant's chief engineer testified that the pinch point could be eliminated at no cost simply by adjusting the limits which are already present on the device. She was functionally unemployable by reason of her age, education, and injuries, and will not be able to return to work at all.

Defendant argued the machine was designed 30 years ago, and only 14 of this particular model were made, all on special order by the various airlines, thereby resulting in a large Prop. 51 comparative fault factor on the part of the employer. The employer could have adjusted the limit switch to eliminate the point, and there had been no prior complaints during all its years in service. The Plaintiff's carpal tunnel syndrome was pre-existing, and the Plaintiff should be able to return to work in a few years.

Settlement: 1st Offer: \$350,000 1st Demand: Not Firm

Settled for \$775,000 total; \$50,000 of this sum was paid to the workers' compensation carrier for a waiver of their lien in exchange for a third party compromise and release.

Experts: None

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