

Product Liability – Traumatic Workplace Injury Claim

SERVICES

Product Liability

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Scott M. Carroll

January 8, 2021

Shareholders Scott Carroll and John Tilley recently obtained summary judgment in Suffolk Superior Court from a claim involving a traumatic workplace injury that resulted in the amputation of the plaintiff's arm. The plaintiff alleged the defendant, a safety equipment manufacturer representative, negligently performed a prior survey of a workplace lathe machine by failing to recommend adequate warnings for its users and by failing to make sufficient safety recommendations.

During the pendency of the case, Attorneys Carroll and Tilley identified and developed evidence to support the defense that the defendant did not have a duty to warn the plaintiff of a known and obvious danger. Specifically, during discovery, evidence was developed that the plaintiff had significant experience with the machine as well as years of training concerning its potential dangers. Moreover, during discovery, evidence was developed to rebut the claim that the defendant's site survey was inadequate or that it caused or contributed to the plaintiff's accident.

On summary judgment, Attorneys Carroll and Tilley successfully argued that the plaintiff's claim was untenable as a matter of law and required dismissal.