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Products Liability – Burns to Arm and Leg

By: MO Lawyers Media Staff June 29, 1998

\$305,000 Settlement

Type of Action: Products liability

Type of Injuries: Burns to arm and leg

Court/Case Number/Date: Jackson County Circuit Court/CV96-5106/March 18, 1998

Caption: Eichmann, et ux. v. Mustang Manufacturing Co. and White Tractor Parts & Equipment

ADR Attempts: N/A

Judge, Jury, or ADR: N/A

Name of Judge: Edith Messina

Special Damages Claimed: \$149,620 past medical expense

Verdict or Settlement: \$305,000 settlement

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorneys for Plaintiffs: Daniel T. DeFeo and David M. Mayer, Kansas City

Insurance Carriers: CNA (Mustang Manufacturing); Federated Mutual Insurance (White Tractor)

Plaintiffs' Experts: Terry Faddis, Lawrence, Kan. (mechanical engineer); Dr. John M. Hiebert, Kansas City (plastic surgeon); Gerald Miller, Kansas City (economist)

Defendant's Expert: Kenneth Blundell, Kansas City (engineer)

Facts of the Case: The plaintiff was a 54-year-old mechanic who was burned while servicing a Mustang Skid Steer Loader. He sued the successor company of the manufacturer and the dealer.

While working on the loader, the plaintiff knocked the fuel shut-off valve from the bottom of the loader's gasoline tank. The plaintiff stuck his finger in the hole to stop the flow of gas. While he waited for assistance from a co-worker, a spark ignited the leaking fuel and burned his right arm and leg.

The plaintiff argued that the manufacturer was negligent in equipping the loader with a gravity-pulled gas tank that allowed gas to run freely through the broken valve to the ground. He claimed that the manufacturer's competitors used a syphon system that draws fuel from the top of the tank rather than the bottom. The plaintiff also said the fuel line should have been connected to the tank with a threaded joint.

Mustang Manufacturing argued that it had no successor liability because the manufacturer of the loader had declared bankruptcy.

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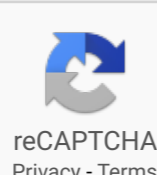
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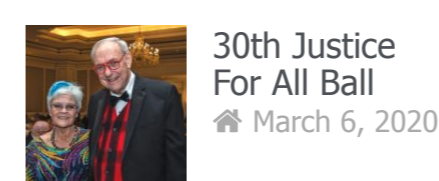
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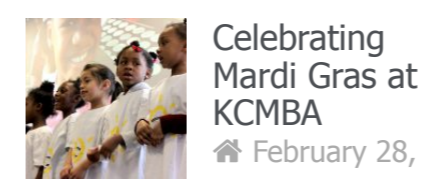
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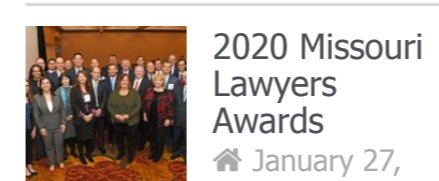
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