

# PERSONAL INJURY

## Product Liability

### Negligence

**VERDICT:** \$5 million reduced by the laundromat owner's negligence to \$4,360,000 net; (\$4.5 million for amputated arm; \$500,000 to plaintiff's brother who witnessed the accident).

**CASE/NUMBER:** Malik Singletary v. Pellerin Milnor / BC171502.

**COURT/DATE:** L.A. Superior Central / March 12, 1999.

**JUDGE:** Hon. Kenneth Freeman, Dept. 64.

**ATTORNEYS:** Plaintiff - Gregory A. Yates (Law Offices of Gregory A. Yates, Beverly Hills).

Defendant - Scott J. Stockdale (Bowman & Brooke, Torrance).

**TECHNICAL EXPERTS:** Plaintiff - Paul F. Youngdahl, product design, Palo Alto; Richard E. Grossman, design feasibility, Woodland Hills; Gerald Rosenbluth, product safety, Tempe, Ariz.

Defendant - Mack A. Quan, product design, Santa Monica.

**FACTS:** On May 11, 1997, plaintiff Singletary, a 4-year-old boy, opened the door to a washing machine manufactured by defendant while the spin cycle was running and stuck his arm in the spinning basket. The arm became tangled in clothing, and severed. The plaintiff brought this action against the defendant based on strict liability, negligence and negligent infliction of emotional distress theories of recovery.

**PLAINTIFF CONTENTIONS:** The plaintiff contended that the machine was defectively designed and negligently manufactured, and that the defendant failed to warn about the defect, recall the machine or send out conversion kits.

**DEFENDANT CONTENTIONS:** The defendant contended the laundromat owner was negligent in intentionally or negligently defeating the safety device by bending the pin which would have activated the brakes and stopped the basket from spinning when the door was opened.

**INJURIES:** The plaintiff's left arm was amputated and had to be reattached with residual scarring and loss of use. The plaintiff also suffered emotional distress. The plaintiff's 3-year-old brother witnessed the accident and suffered emotional distress.

**JURY TRIAL:** Length, 17 days; Deliberation, 5½ days.

**SETTLEMENT DISCUSSIONS:** The plaintiff made a C.C.P. §998 settlement demand of \$2.9 million. The defendant made a C.C.P. §998 offer of compromise of \$750,000.

**MEDIATION:** A mediation was held before Hiroshi Fujisaki of ADR resulting in no settlement. Malik Singletary, the 4-year-old boy whose arm was amputated and re-attached, recovered a total of \$4.5 million, \$2 million in economic and \$2.5 million in non-economic. His younger brother, Shareef, three years old, recovered \$500,000 for emotional distress in witnessing the accident.

**OTHER INFORMATION:** The verdict was reached approximately one year and 10 months after the case was filed.