



HARVEY KRUSE, P.C.

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Dennis M. Goebel

AREAS OF PRACTICE:

Complex Civil Litigation
Product Liability
Construction Accidents
Premises Liability

EDUCATION:

Henry Ford Community College - 1967
President of Student Body

Western Michigan University – (B.S., *cum laude*, 1969)
Bachelor of Science Degree in History, Cum Laude.

University of Grenoble, Grenoble, France - 1969
French Language Studies

Wayne State University Law School – (J.D., *cum laude*, 1973)

BAR ADMISSIONS:

State Bar of Michigan (1973)
U.S. Dist. Court for the Eastern District of Michigan (1973)
U.S. Court of Appeals for the Sixth Circuit (1984)
U.S. Dist. Court for the Western District of Michigan (1993)
U.S. Supreme Court (2000)
U.S. District Court for the Eastern District of Wisconsin (2004)

EMPLOYMENT:

President at HARVEY KRUSE, P.C. 1998-January 2008
Board of Directors at HARVEY KRUSE, P.C. 1978-Present
Shareholder at HARVEY KRUSE, P.C. 1977-Present
Associate Attorney at HARVEY KRUSE, P.C. 1972-1977

EXPERIENCE:

Voted by his peers to the list of “The Best Lawyers in America”
Voted by his peers to the list of “Super Lawyers”
Martindale-Hubbell A-V Rating

Successfully defended hundreds of cases involving death, serious injury, and permanent disabilities. These include burn cases, closed head injuries, quadriplegia, paraplegic, and amputations.

Tried over 175 cases in both the federal district courts of Eastern Michigan and Western Michigan and the circuit courts in Michigan. Has argued before the Michigan Supreme Court, Michigan Court of Appeals and the Sixth Circuit Court of Appeals.

REPRESENTATIVE CLIENTS: ABB, Inc.
Allen Bradley Co., LLC
ASE Industries, Inc.
Centimark Corporation
Cincinnati Incorporated
Cub Cadet, LLC
Cummins Engine Company
Danly Machine Corporation
Detroit Radiant Products
Link Electric and Safety Control Company
Michigan Tooling Association/Casting Manufacturers Insurance
MTD Products, Inc.
National American Insurance Company
Rockwell Automation, Inc.
Shiloh Corporation
The Charles Machine Works a/k/a Ditch Witch
The Minster Machine Company
The Toro Company
Tishken Products Company
United Chair Company
White Outdoor Products Company

MEMBER: State Bar of Michigan
American Bar Association
Oakland County Bar Association
Detroit Bar Association
American Board of Trial Advocates
Society of Manufacturing Engineers
Michigan Defense Trial Counsel, Inc.
Association of Defense Trial Counsel
The Fellows of the Michigan State Bar Foundation

**TRIAL AND SUMMARY
JUDGMENT RECORD:**

- Eldec Induction v Knopf International, Jury Verdict of no cause of action. Monroe County Circuit Court, Monroe, Michigan, April 2010. Eldec Induction alleged breach of contract and negligence for damaged property transported from Michigan to Germany. Eldec Induction claimed that Knopf International was negligent in the manner that it secured a 1959 Jaguar and a 1961 Mercedes in a forty foot container shipped by truck, boat, and rail to Bremerhaven, Germany. Eldec Induction alleged that the vehicles were not properly secured in the container and crashed into each other and the interior of the container during transport. Eldec alleged repair costs of approximately \$100,000. In the alternative, it alleged that Knopf breached its contract when it delivered the damaged vehicles to Eldec's plant in Germany. Knopf International denied breach of contract and denied negligence. It had more than twenty years of experience with international transport of property and vehicles without incident of vehicles becoming unsecured in containers during transport. Knopf stated that it complied with the standard of practice in securing the vehicles in the container and was therefore not negligent. In addition, Knopf stated that it offered and the customer accepted and paid a premium for property insurance for the reason that Knopf International did not have control or possession of the container by trucking companies, railroad companies and shipping companies transporting the container and therefore did not guarantee that the vehicles would arrive undamaged. Knopf also disputed Eldec Induction's claim of damages. Repair estimates and expert testimony by German witnesses based upon German customs and practices were not relevant to a contract made in the United States and damages subject to Michigan Law. Knopf International disputed the fair market value of the vehicles at time of transport for the reason that both vehicles had not been used, operated, serviced, maintained or "winterized" in the two years prior to transport. Further, Knopf argued that Eldec's declaration of fair market value at the time it obtained property damage insurance for Knopf's transport of the vehicles established the real value of both vehicles. The jury returned a verdict that Knopf International did not breach its contract and that Knopf was not negligent. The Court entered a Judgment of No Cause for Action in favor of Knopf International and against Eldec Induction.

- City of Lake Wilson v Detroit Radiant Co., Jury Verdict of no cause of action. Murray County District Court, Slayton, Minnesota, May 2009. Detroit Radiant Co. manufactures industrial and commercial grade gas fired radiant heaters. The City purchased a 50' Detroit Radiant heater which was installed by a third-part in a newly constructed fire station in Slayton, Minnesota. After approximately 18 months of service, there was a massive explosion which destroyed the fire station, substantially damaged an adjacent grain elevator and damaged many nearby businesses and residential buildings. There was \$2,000,000 in property damage. It was alleged that the Detroit Radiant heater was defective, because it was delivered without a flexible steel connector. A gas leak occurred because there was thermal expansion of the 50' radiant heater. No accommodation for thermal expansion was made during installation. Plaintiff claimed that Detroit Radiant should have provided a stainless steel flexible connector. The Defendant responded that the local installers had actual knowledge of thermal expansion, were aware of the need for the gas line to accommodate thermal expansion, were aware of the availability of stainless steel flexible connectors, had them in stock, and chose to use an alternate method, which the installers felt was as good as a stainless steel flexible connector. The installers claimed that they utilized flexible copper tubing, and made a "loop" to absorb the expansion. The jury found for Detroit Radiant Products Co., that the radiant heater was not defective. The jury found that the installers were negligent in the manner in which the gas line was installed.
- John Bonnici v Auto Club Insurance Association, Macomb County Circuit Court, October 2008, Summary Disposition for the Defendant. Plaintiff was insured through AAA and had road side assistance coverage. His vehicle broke down on I-94 and he contacted AAA's dispatcher. Plaintiff left his vehicle during a snow storm to determine his location and was struck by another vehicle causing serious injuries. The Trial Court ruled that the Defendant had no duty of care separate and distinct from the insurance contract. The Court held that no Court action was enforceable when based solely on the non-performance of a contractual duty.

- Sean Peter Cloyd v Nagy Trucking, et al, Macomb County (Michigan) Circuit Court, June 2007, Motion for Summary Disposition. The Court granted Defendants' Motion for Summary Disposition dismissing the Plaintiff's claim in its entirety. The Plaintiff was a cement truck driver working for Nagy Ready Mix. A tractor trailer driven by a Nagy Trucking employee allegedly crushed the Plaintiff between his tractor trailer and the Plaintiff's cement truck which was parked in the Nagy Ready Mix fueling yard. The Plaintiff brought a negligence action against Nagy Trucking, the Defendant tractor trailer driver and another entity that owned the tractor trailer. The Plaintiff alleged that the Defendants were separate and distinct corporate entities. Case evaluation awarded the Plaintiff \$1.6 million. Defendants brought a Motion for Summary Disposition arguing that pursuant to the economic realities test, all the corporate Defendants would be construed as the Plaintiff's employer and thus his claim would be barred by the exclusive remedy provision of the Worker's Disability Compensation Act (WDCA). The trial Court agreed granting Defendants' motion dismissing the Plaintiff's case in its entirety against all the Defendants.
- Estate of Vernon Wingard v Nutro Corporation, Court of Appeals decision March 2007. Jury verdict for Defendant in product liability death case where decedent Vernon Wingard was caught between the end of a conveyor and barrier guarding. Plaintiff appealed jury verdict of "no cause for action". The Plaintiff appealed arguing that he had met the burden of proof and that the Trial Court failed to direct a verdict in favor of the Plaintiff. The Court of Appeals affirmed the jury verdict.
- Robert Needham v The Roho Group, product liability claim pending in the US District Court in Detroit; February 2007 USDC Judge David Lawson grants Defendant's Motion for Summary Judgment; Plaintiff is a quadriplegic who was confined to a wheelchair. The Plaintiff used Defendant's air inflated cushion to prevent pressure sores. He used the cushion successfully over a number of years but in June 2001 he claims an incident occurred where the cushion lost air pressure and caused a stage 1 ulcer on his buttocks. The stage 1 ulcer reportedly developed into a stage 4 ulcer. The Plaintiff claimed that the open wound resulted from the Defendant's alleged negligence in the design and manufacture of the cushion. The Defendant denied that the cushion was

defectively designed or manufactured. Further, the Defendant stated that the Plaintiff failed to prove causation, i.e., that the alleged defect resulted in the loss of air pressure in the cushion. Judge Lawson agreed with the Defendant and granted summary judgment.

- Randall Torno v R.E. Phelon Company, Trial, July 2006. United States District Court, Eastern District of Michigan, Southern Division. Plaintiff and his wife filed a products liability action in the Federal Court in Detroit alleging that he sustained an L1 burst fracture and paraplegia as a result of an experimental aircraft crash in which Mr. Torno claimed that an RE Phelon engine ignition component failed causing his aircraft to lose power and crash in Monroe County, Michigan in June 2001. Mr. Torno was an engineer who built an experimental aircraft which utilized a 50 horsepower two-cycle engine. He claimed that an RE Phelon trigger coil was used in the ignition system, that the coil failed, causing the engine to overheat, burn a hole in one of the pistons, that there was a loss of power and that the aircraft crashed resulting in his permanent injuries. The case was defended on the basis that the trigger coil did not fail, but that Mr. Torno's alterations to the engine and its components resulted in a lean fuel mixture causing the engine to overheat and burn a hole in one piston. As a result of the crash, Mr. Torno sustained an L1 burst fracture of his vertebrae. He sustained a permanent loss of use of his lower extremities as well as affecting internal organs effected by the paraplegia. In addition, Mr. Torno was an engineer who earned \$75,000 a year and claimed reduction and earning capacity, future attendance services and other economic damages. After a four week trial the jury returned a verdict that RE Phelon Company was not negligent, i.e., no cause for action.
- Walter Sandusky v McNally Electric, Inc., Michigan Court of Appeals decision April 2006. Product liability lawsuit. Twenty-year-old man sustained an amputation to both hands while operating a power press in the course of his employment at Lapeer Metal Stamping Company of Lapeer, Michigan. The Trial Court struck the Defendant's Notice of Non-Party Fault of the employer. The Defendant filed an interlocutory appeal which was accepted by the Court of Appeals. The Court decided without oral argument that the employer could be identified as a non-party at fault pursuant to MCL 600.2957 and MCL 600.6304 and there is no conflict with the Worker's Disability Compensation Act MCL 418.101. The lower court

erred in concluding that a duty is required in order to assess fault against a non-party (employer) and that there was no duty owed to Plaintiff by his employer in this case.

The case was remanded to the Trial Court for further proceedings consistent with the ruling of the Court of Appeals.

- James Cobbs v Schwing America, Inc., United States District Court, Eastern District of Michigan, Southern Division, Summary Judgment for the Defendant February 2006. James Cobbs alleged in his Complaint that in the course and scope of his employment with Jay Dee contractors that he sustained the amputation of the tips of three fingers while cleaning a grout pump manufactured by the Defendant. Mr. Cobbs claimed that the grout pump was defectively designed, failed to have safety guards and failed to have adequate warnings. He also alleged breach of express and implied warranties. Mr. Cobbs claimed that the grout pump should have had an interlock mechanism. The case was defended on the basis that the machine was partially disassembled for cleaning and that Mr. Cobbs stuck his hand twelve inches into the interior of the machine. Mr. Cobbs denied that he intentionally stuck his hand into the machine but instead claimed that his hand was sucked into the machine. The Federal Court granted Summary Judgment on the basis of misuse as referenced in MCL 600.2947 (2) and on the basis that Mr. Cobbs failed to establish the six elements of the Michigan Risk/Utility test. An Order of Summary Judgment was entered for the Defendant.
- Emile Rihani v Greeley & Hansen of Michigan, LLC, Lapeer County Circuit Court. Michigan Court of Appeals October 2005. Trial Court denies Motion for Summary Judgment. Court of Appeals reverses and remands for entry of Summary Judgment on behalf of Greeley & Hansen. The City of Detroit contracted with Co-Defendant D'Agostini for construction and improvement of an existing water pumping facility in Imlay City. During the project a question arose about the structural integrity of a concrete reservoir. D'Agostini cut a hole into the side of the reservoir to allow entry for engineers to inspect the interior. Mr. Rihani was a civil engineer employed by NTH to inspect the interior of the reservoir for structural integrity. NTH subcontracted some of the same work to Greeley & Hansen. Greeley & Hansen civil engineers were also in the interior of the reservoir inspecting the structural integrity. There was a sump pit inside the reservoir which was not

guarded and which was not lit. Mr. Rihani fell into the sump pit and claimed that he sustained a ruptured disc. The Plaintiff filed suit against the City of Detroit as the owner of the property, D'Agostini as the general contractor and Greeley & Hansen as a subcontractor. Plaintiff claimed that Greeley & Hansen owed a duty of care to Mr. Rihani. Greeley & Hansen defended the case on the basis that it was a subcontractor to Mr. Rihani's employer, NTH, that NTH owed Mr. Rihani a duty of care to provide a safe work place but that Greeley & Hansen owed no safety responsibilities to Mr. Rihani. Greeley & Hansen filed a Motion for Summary Judgment, which the Trial Court denied. Greeley & Hansen took an interlocutory appeal, which was accepted by the Court of Appeals. One week after oral argument the Court of Appeals issued an Opinion remanding the case to the Trial Court for entry of Summary Judgment in favor of Greeley & Hansen.

- The Estate of Vernon Wingard v Nutro Corporation, trial, April 2005, Saginaw County Circuit Court, Saginaw, Michigan. The jury returned a verdict of no cause for action in favor of ASE and against the Plaintiff. The Estate filed a product liability lawsuit alleging that 42-year-old Vernon Wingard, who was married and the father of four children was killed during the course of his employment when he was caught between a barrier guard and a moving portion of a paint line conveyor. The Estate alleged that the conveyor was not properly guarded and was therefore defective. The case was defended on the basis that the machinery was properly guarded; that the decedent bypassed the guard and that the deceased's use of a controlled substance was the proximate cause of the accident. After a four-week trial, the jury returned a verdict of no cause for action.
- Arnold Grinblatt v A&A Driving School, December 2004, Wayne County Circuit Court, Detroit, Michigan. The Court granted Summary Disposition for the Defendant. The Plaintiff was a 43-year-old man stricken with multiple sclerosis who claimed that A&A negligently evaluated him for modification to his motor vehicle. The Plaintiff claimed that his condition resulted in leg spasms. Mr. Grinblatt alleged that A&A failed to consider his leg spasms while evaluating him for the motor vehicle modifications. He claimed that he had leg spasms, unintendedly pressed the accelerator, lost control of his vehicle and crashed. He alleged that he sustained personal injuries as a result of the crash. Further, he claimed that A&A should have recommended that the accelerator be disconnected. The

case was defended on the basis that A&A properly recorded the Plaintiff's medical history in its records and that its counselor recommended the correct vehicle modifications and therefore owed no further duty to the Plaintiff.

- Warren Romero v The Charles Machine Works, December 2004, United States District Court, Detroit, Michigan. The Plaintiff was the foreman of a cable installation crew, which was using a directional boring machine designed and manufactured by the Defendant. The Plaintiff was struck in the head by a component of the machine. The Plaintiff claimed that the machine was negligently designed and manufactured. The Federal Court granted summary judgment.
- Raquel Rodriguez v ASE Industries, Inc., trial, December 2004, Wayne County Circuit Court, Detroit, Michigan. Product liability claim in which the Plaintiff was scalped when her hair became entangled in a conveyor during the course of her employment. Plaintiff claimed that the Defendant manufactured the conveyor and failed to provide adequate guards, devices and warnings.
- Margaret Zarazua v Leitelt Iron Works, Grand Rapids Machine Repair, Link Systems, Inc. and River City Electronics, September 2004, Kent County Circuit Court, voluntary dismissal of Link Systems, Inc. Product liability lawsuit in which the Plaintiff sustained amputation of both hands at the wrist while operating a power press at MICO Industries of Grand Rapids, Michigan. The Plaintiff alleged that Link Systems was negligent with regard to the design, manufacture and sale of certain electrical controls that were installed on the power press. The case was defended on the basis that the employer failed to properly set up the power press to utilize point of operation devices. A point of operation device was not operational for the Plaintiff. The Plaintiff voluntarily dismissed Link Systems.
- Mara Letica v Dimax Leasing, trial, November 2003, Oakland County Circuit Court. Directed verdict in favor of the Defendant at the close of Plaintiff's proofs. The Plaintiff homeowner filed a claim of conversion and breach of contract against the Defendant house cleaning services company alleging that the Defendant's employee stole \$50,000 of jewelry from Plaintiff's home. The Plaintiff claimed that the jewelry was kept in a dresser drawer in the master bedroom

and in two baths. The Plaintiff homeowner and homeowner's daughter testified that they last saw the jewelry within twenty-four hours prior to the Defendant's employee cleaning the premises. The Plaintiff had no direct evidence that the Defendant's employee stole the jewelry but alleged that there was sufficient circumstantial evidence to prove that the Defendant's employee stole the jewelry, i.e., the Defendant's employee was left alone in the house while cleaning the residence and after the homeowner returned the homeowner noticed that the jewelry was missing. The homeowner acknowledged that the Defendant's employee was not advised that the jewelry was in the home or where it was kept. Further, the homeowner admitted that there was no direct evidence that the Defendant's employee ever had possession of the jewelry or ever went into the dresser in the master bedroom where some of the jewelry was kept. The Defendant's employee testified at time of trial and denied taking the jewelry. The Plaintiff homeowner and homeowner's daughter denied losing or misplacing the jewelry and therefore it must have been stolen by the Defendant's employee. At the end of Plaintiff's proofs the Court directed a verdict for the Defendant and determined that there was no evidence that the Defendant's employee ever had possession of the jewelry or exerted "domain" over the jewelry. The Defendant was prepared to present as a defense witness the investigating police detective who was expected to testify that the Plaintiff's loss was similar to five or six other burglaries in the area committed by unknown perpetrators and further that the Defendant's employee was not likely the cause of the missing jewelry.

- Robert Keller v Humphrey Inc., September 2003 Michigan Court of Appeals decision affirming summary disposition for the Defendant. On August 25, 1997 the Plaintiff Robert Keller sustained an amputation of his left hand on a power press during the course of his employment at a stamping plant in Warren, Michigan. Mr. Keller filed a product liability lawsuit against Humphrey, Inc. alleging that it designed, manufactured and sold dual hand controls that the employer incorporated onto the power press. Mr. Keller alleged that the hand controls were defective, negligently designed and that the Defendant failed to provide proper warnings. The case was pending in the Macomb County Circuit Court where the trial judge denied Humphrey's motion for summary disposition. The Court of Appeals reversed the trial court's denial of the summary disposition motion.

- John Psaila v C&H Design, September 2003 Michigan Court of Appeals decision in favor of the Defendant setting aside the jury verdict and remanding the case back to the trial court for entry of judgment in favor of the Defendant. The Plaintiff was an at-will employee of the Defendant. The Plaintiff complained about failure to pay commissions for automotive stamping work. The Plaintiff was terminated because of his complaints for the reason that he was not owed commissions. The Plaintiff filed suit alleging retaliatory termination based upon the agent commission statute MCL 600.2961. The case was tried in the Macomb County Circuit Court and the trial court denied Defendant's motions for summary disposition and directed verdict. The trial court found that the alleged violation of the agent commission statute created a public policy exception to the at-will employment of the Plaintiff. The Court of Appeals found that the trial court erred and that the Agent Commission Statute does not create a public policy exception to the general rule of at-will employment. The Court of Appeals remanded the case back to the Macomb County Circuit Court for entry of judgment in favor of the Defendant.
- Sam Daoud v Modern Products, United States District Court, Detroit, Michigan, Judge Patrick Duggan. Jury verdict of no cause for action in favor of the Defendant. August 2003. Mr. Daoud sustained fractures of two fingers of his left hand from a snow thrower designed and manufactured by the Defendant. The Plaintiff alleged that heavy, wet snow clogged the snow thrower discharge chute and that when he used his left hand to clear the snow that he made inadvertent contact with the snow thrower impeller. Mr. Daoud alleged the fracture of two fingers of the left hand, one of which did not heal and would have required fusion of the joint. Mr. Daoud claimed that the snow thrower was defectively designed and failed to include warnings and a cleanout tool. The Defendant denied that the snow thrower was defectively designed or that it lacked sufficient warnings. The Defendant stated that the Plaintiff was negligent and caused his own accident. Further, the Defendant contested Plaintiff's allegations of \$1.5 million in economic loss for medical expenses, lost wages and loss of services. A unanimous jury verdict was returned that the Defendant is not negligent and therefore a judgment of "no cause for action."

- Lowry v Cramer Products, Inc., Livingston County Circuit Court, June 2003. Products liability action. Summary disposition granted for the Defendant. Plaintiff filed a products liability action against the Defendant claiming that he sustained certain chemical burns and/or other permanent scarring damage to his shoulder when he placed a cold pack designed and manufactured by the Defendant. Defendant asserted that warnings on the use of the product were adequate and there was no other manufacturing or design defect pertaining to the product. The court agreed and granted the Defendant's motion for summary disposition.
- The Estate of Michael Causey v Clara Barton Nursing Home and Pierre Mosely v Clara Barton Nursing Home, Genesee County Circuit Court. Judge Richard B. Yuille. There were two separate lawsuits both arising out of the same incident. On March 27, 2003 the Court granted Summary Disposition in favor of Clara Barton Nursing Home in both lawsuits. The Court dismissed Clara Barton Nursing Home from both cases. On November 10, 1999 there was an explosion at the Clara Barton Nursing Home in Flint, Michigan. Michael Causey was twenty-two years old at the time and Pierre Mosely was eighteen years old. Both were porters at the nursing home. The Complaints alleged that there was a natural gas leak in the boiler room in the basement of the nursing home, which resulted in an explosion of the building. Mr. Causey and Mr. Mosely were in the building at the time of the explosion. Mr. Causey died as a result of injuries sustained in the explosion while Mr. Mosely alleged that he sustained fractures of the cervical vertebrae, required cervical fusion, sustained burn injuries to the right arm and post traumatic stress disorder. Both Causey and Mosely claimed that they were not employees of Clara Barton Nursing Home but of, what may be termed, an affiliate. Therefore, both believe that they were entitled to pursue a right of action against Clara Barton Nursing Home on the basis of negligence and premises liability. We filed a Motion for Summary Disposition in both lawsuits on the basis that Mr. Causey and Mr. Mosely were employees of Clara Barton Nursing Home and that their claims were barred by the Exclusive Remedy Provision of the Workers' Compensation Statute. The Court agreed and dismissed Clara Barton Nursing Home from both lawsuits.

- Kimberly Russo v Herman Miller, Inc., Wayne County Circuit Court. Trial. Jury Verdict March 14, 2003 of “no cause for action.” This was a product liability claim in which Kimberly Russo alleged negligent design and manufacture of an office chair. Ms. Russo claimed that while working as a reservationist at Northwest Airlines that she was using the Herman Miller chair when the chair broke and suddenly threw her backwards causing the herniation of two cervical vertebrae. She also alleged that the injury resulted in certain bulging discs. Ms. Russo claimed that the injuries were permanent and resulted in a partial disability, which forced her to leave her job. Her economist testified that she sustained economic damages of almost \$3,000,000. The case was defended on the basis that the chair was not negligently designed or manufactured, met the applicable NASI/BIFMA Code and that the chair was abused and misused. After an eight day trial the jury returned a verdict in favor of Herman Miller, Inc., and against Kimberly Russo.
- Gene Borders v Flender Corporation, Washtenaw County Circuit Court. Summary disposition December 2002. Product liability claim in which it was claimed that Flender Corporation defectively designed and marketed a power transmission coupler. The coupler was installed on a service elevator at Plaintiff’s place of employment. The power transmission apparatus failed while the Plaintiff was on the service elevator. The elevator and Plaintiff fell three floors and the Plaintiff broke his back and was a paraplegic. Plaintiff’s future medical care plan expense exceeded \$4,000,000. The case was defended on the basis that Flender Corporation was a component part manufacturer, had no system design responsibility and the company that serviced and repaired the service elevator failed to properly secure the power transmission components. The Court granted summary disposition in favor of Flender Corporation and dismissed it with prejudice and without costs from the lawsuit.
- Estate of Raymond Korb v Progressive Die and Automation, Grand Traverse County Circuit Court. Trial November 2002. Product liability claim in which 38-year-old machine operator died as a result of being struck by broken tooling, which was ejected from a machine. May 11, 2000 Raymond Korb was a power press operator for Tower Automotive of Traverse City, Michigan. While operating a machine a part of the tooling came unfastened, was ejected from the die, struck Mr. Korb

and killed him. Mr. Korb's father was a co-worker who came to the scene and saw his son die. The Plaintiff's filed a product liability claim against Progressive Die and Automation alleging that the die was improperly designed and manufactured and that the bolts which fastened the die components were inadequate. The case was defended on the basis that the die was properly designed and manufactured but that Plaintiff's employer disassembled the tooling before the accident and failed to properly put it back together. Case Evaluation (Mediation) was \$875,000. The jury returned a verdict of "no cause for action".

- The Estate of Steven Zuzula v ABB Power T&D Company, trial, United States District Court, Bay City, Michigan. Fifty-year-old electrician technician electrocuted while servicing high voltage power equipment manufactured by the Defendant.
- MacDonald v Heights Marina, Roscommon County Circuit Court, June 2002. Wrongful death negligence action. Defendant's motion for summary disposition granted. Decedent was killed when he was operating his snowmobile and allegedly struck a portion of the Heights Marina dock which allegedly had not been properly illuminated or otherwise marked for snowmobilers on Houghton Lake. Defendants asserted that it was speculation and conjecture whether the Plaintiff actually struck the Defendant's dock and also that pursuant to MCL 600.2955a that the Plaintiff's intoxication caused and/or contributed to the fatal accident. The trial court granted Defendant's motion for summary disposition. The Court of Appeals upheld the trial court's determination.
- Mesaros v Centimark Corporation, Michigan Court of Appeals Decision January 4, 2002. Affirmed trial court's grant of summary disposition in favor of Centimark. Centimark Corporation is not liable for an automobile accident involving its employees who were returning home from out of town, crossed the center line during a snow storm and struck the Plaintiff head on. The Court of Appeals found no evidence that the Centimark workers were furthering the business of Centimark.
- Cartwright v Midwest Transport, St. Clair County Circuit Court, Port Huron. Trial December 2000. Intoxicated pedestrian struck by Midwest Transit Truck, October 27, 1998 at 2:30 a.m. on Marine City Highway, East of I-94 in St. Clair County,

Michigan. The plaintiff alleged that the defendant truck driver was speeding. Defendant denied that the vehicle was traveling in excess of the speed limit and affirmatively pled that since the decedent was intoxicated that as a matter of law pursuant to MCL 600.2955a a directed verdict should be granted. The trial court took the motion for directed verdict under advisement. The jury returned a verdict of “no cause for action.”

- Auger v ABB Flexible Automation, Inc., United States District Court Eastern District, June 2000. Product liability action. Defendant's motion for summary judgment was granted. The Plaintiff sustained serious injuries to his right arm when it was caught in the chain of an automotive conveyor line. The Plaintiff underwent approximately 10 separate surgeries on his arm. Defendant asserted that pursuant to the Dual Employment Doctrine, since the Plaintiff was employed by a labor broker at the time of the incident, the Plaintiff would be considered an employee of both the labor broker and the Defendant, who retained the outside labor broker to provide temporary workers. Defendant argued that the Exclusive Remedy Provision of the Worker's Compensation Disability Act would also bar the Plaintiff's claim against the Defendant. The federal district trial court agreed granting the Defendant's motion for summary judgment.
- Annie Kedzierski v Jim's Lawn Service, Inc., Oakland County Circuit Court. Trial, 1999. Slip and fall accident in parking lot during winter. The 64-year-old Plaintiff sustained a comminuted fracture of the left femur. On December 19, 1994 at approximately 9:00 a.m. the plaintiff parked in the parking lot of a medical office building. She had an appointment to see a doctor for a physical examination. As she was walking through the parking lot she states that she slipped and fell on ice and fractured her left femur. The fracture required open reduction and internal fixation with an eight inch long metal plate and nine screws. The plaintiff claims that she fell on ice and that the property manager and snow removal service each failed to keep the parking lot in a reasonably safe condition. The plaintiff claimed a permanent disability and that subsequent to the accident she could not walk without the aid of a walker. The plaintiff asked the jury for damages of 1.5 million dollars. The jury returned a verdict of “no cause for action” in favor of our client Jim's Lawn Service, Inc., and returned a verdict against Co-Defendant.

- Muriel Butterworth v Quality Stores, Inc., Lapeer County Circuit Court. Trial, 1999. Product liability claim where the Plaintiff sustained the amputation of three toes of the left foot while operating a lawn mower. The 44 year-old plaintiff was cutting her grass with a rotary mower and she claimed that her left foot went through the rubber back shield of the mower thus allowing her to make contact with the rotating blade. She claimed that the lawn mower was defectively designed as the rubber shield was inadequate to prevent entry of her foot. Plaintiff's expert witness Paul Glasgow testified that the mower design was inadequate because the rubber shield was too flexible and could fold underneath the mower deck when the lawn mower was pulled backwards. The expert was of the opinion that the rubber shield should not be flexible and should not fold underneath the lawn mower deck. The plaintiff asked the jury for \$650,000 in damages. The jury returned a verdict of "no cause for action".
- Diaz v Centimark Corporation, Wayne County Circuit Court, January 1999. Wrongful death automobile negligence action. Summary disposition was granted for the Defendant. The decedent was a passenger in a vehicle driven by an employee of the Defendant which crossed into oncoming traffic resulting in a head-on collision. Plaintiff alleged that pursuant to general agency principles, as well as on a joint enterprise theory, that the driver of the motor vehicle was acting as an agent of the Defendant at the time of the incident and thus Centimark Corporation could be liable for its employee's negligent operation of the motor vehicle. The trial court disagreed and granted the Defendant's motion for summary disposition finding that the Defendant driver was not acting within the course and scope of his employment at the time of the accident and there was no basis to establish a joint enterprise theory.
- Laura Hollister v Dayton Hudson Corporation, U.S. District Court, Eastern District of Michigan, Southern Division, summary disposition for defendant, May 1998. Plaintiff claimed that she purchased a blouse from Hudson's and that, while cooking on an electric stove, the blouse caught fire. Plaintiff claimed that the material was highly flammable. Plaintiff was a 25-year-old graduate student at Northwestern University. She was horribly burned. She had over \$1 million in medical expenses. Federal Judge John Feikens granted defendant's Motion for Summary Judgment on the basis that the plaintiff

failed to have sufficient evidence of the “magnitude of the risk.”

- Allstate Insurance As Subrogee of Ellen Maier v Modern Tool Oakland County Circuit Court. Trial, May 1998. Judge Mester granted defendant’s Motion to Strike Plaintiff’s Expert Witness and granted the defendant’s Motion for Directed Verdict. The directed verdict was on the basis that Allstate had no proof of a product defect.
- Justin Stover v Cincinnati Incorporated, Wayne County Circuit Court. Trial, March 1998. Product liability claim in which the plaintiff sustained amputation injuries. Plaintiff claimed that the machine was not properly guarded. Jury verdict of “no cause for action.”
- Robbie John v. Cincinnati Incorporated, Michigan Court of Appeals, 1997. Successful appeal of jury verdict in favor of the plaintiff in this product liability, alleged machine defect case. The injury to the plaintiff was amputation of all eight fingers. The jury awarded the plaintiff \$1.1 million. The case was appealed to the Michigan Court of Appeals, which agreed that the trial court committed reversible error with regard to admission of post-date of manufacture evidence of negligence. The defendant was awarded a new trial. The trial was held in the Oakland County Circuit Court in May 1997, and a defense verdict of “no cause of action” was brought back by the jury.
- Jeffrey Ehrhart v Hobo Entertainment, Inc., Genesee County Circuit Court, summary disposition, 1997. Bar owner/ premises liability case where innocent bystander plaintiff came out of defendant’s bar, saw a crowd in the parking lot watching a fight, and then was sucker-punched by a participant to the fight. The plaintiff was struck in the head, fell to the ground, and then four to five assailants kicked the victim in the head. The plaintiff sustained closed head injuries. The plaintiff sued the bar claiming that it should have provided security for its patrons and thereby would have prevented the unprovoked attack on the plaintiff. The trial court granted summary disposition and dismissed the claim as to Hobo Entertainment, Inc. The trial court agreed that case law does not obligate a bar owner to anticipate the intentional criminal action of a third party.
- Joseph Nicklosovich v Modern Products, Ingham County Circuit Court. Trial, 1997. Jury verdict of no cause for action in favor of defendant lawn mower manufacturer. The plaintiff filed a

product liability lawsuit alleging that defendant's walk behind lawn mower was defective for not being equipped with a "deadman" switch. Plaintiff's foot went underneath the lawn mower housing and he amputated two toes of his left foot. The jury found no defect.

- Duerr Industries v Liberty Mutual Insurance Company, U.S. District Court, Eastern District of Michigan, Southern Division, 1997. Summary judgment in favor of defendant Liberty Mutual Insurance Company. This was a declaratory action where the plaintiff claimed insurance coverage for a product liability suit brought against it by a third party. Plaintiff settled the underlying personal injury action and then filed suit against Liberty Mutual Insurance Company alleging that there was coverage. The Court granted defendant's Motion for Summary Disposition and found as a matter of law that there was no coverage.
- Kimberly Powell v Anderson-Hickey, Oakland County Circuit Court. Trial, 1996. Jury returned verdict against defendant for injuries from an allegedly defective secretarial desk manufactured by the defendant. The defendant appealed on the basis that plaintiff's human factors expert was not competent to testify about a design defect. The Court of Appeals agreed and stated that the defendant was entitled to a new trial as the expert improperly gave opinion testimony about the design of the desk.
- Gerald Grayson v Cosco, U.S. District Court, Eastern District, Southern Division. Trial, 1996. Product liability lawsuit in which plaintiff alleged that defendant's step stool was defective and unsafe. Plaintiff dentist used the step stool in his office and was standing on the stool to change a ceiling light bulb. Plaintiff claimed the chair collapsed under his weight and that he fell to the ground shattering his elbow. He claimed the injury was permanent and prevented him from returning to work as a dentist. The defendant claimed that the step stool was abused and that the plaintiff fell because he leaned too far away from the stool. The jury returned a verdict of "no cause for action."
- Marvin Meyers v Clearing, Inc., Michigan Court of Appeals. Trial, 1995 (unpublished). This is a product liability lawsuit where Mr. Meyers sustained amputation injuries on a power press. He claimed that the press was defectively designed. This matter went to trial in the Ingham County Circuit Court in 1993, and the jury returned a verdict in favor of the defendant of "no

cause for action.” The plaintiff appealed. The Court of Appeals upheld the jury verdict and did not grant the plaintiff a new trial.

- Michael Gregory v Cincinnati Incorporated, 450 Mich 1 (1995). Trial. Product liability lawsuit in which the plaintiff claimed that the defendant’s press brake was defectively designed and caused crushing and amputation injuries to plaintiff’s right hand. The jury returned a verdict of \$1 million in favor of plaintiff. Defendant appealed to the Michigan Court of Appeals on the basis that there was no continuing duty to update the machine. The Court of Appeals granted a new trial. Plaintiff appealed to the Michigan Supreme Court. The Supreme Court agreed that there is no continuing duty on the part of a machine manufacturer and therefore agreed with the defendant that reversible error took place at the trial court level. The Supreme Court set aside the jury verdict and granted the defendant a new trial. The second trial resulted in a jury verdict for the plaintiff. The Court of Appeals reversed, holding that defendant was entitled to a directed verdict.
- Aaron Gregory v Cincinnati Incorporated, Michigan Court of Appeals. Affirmed on November 14, 1995 jury verdict of “no cause for action.” Twenty-year-old plaintiff lost right arm below the elbow in press brake accident. Plaintiff appealed alleging post-sale duty to inform about product safety improvements. Also plaintiff claimed the court erred in refusing to admit into evidence interrogatories signed by defendant’s employees in another lawsuit. Plaintiff appealed the jury verdict. The Court of Appeals upheld the trial court’s evidentiary rulings and affirmed the jury verdict.
- Tadeusz Hejnar v Cincinnati Incorporated, Wayne County Circuit Court, Trial May 1995. Mediation was \$750,000. Jury verdict of \$447,000.
- David Schoener v The Minster Machine Company, Oakland County Circuit Court, May 1995. Crush injury to both hands. Products liability. Jury verdict of no cause for action.
- William and Sheila Jones v L.E.F., Inc., Oakland County Circuit Court. Trial, January-February 1995. Gasoline tanker explosion. Plaintiff alleged burn injuries and respiratory problems. Jury verdict of \$9,000.

- Heziah Reeves v Cincinnati Incorporated, Wayne County Circuit Court. Trial. Product liability. Amputation of hand while working on machine. Verdict for plaintiff overturned by Court of Appeals.
- Harriette Biggers v Dayton-Hudson Corporation, Wayne County Circuit Court. Trial, March 1995.
- Richard Tripp v Ford Motor Company, Macomb County Circuit Court. Trial, May 1994. Premises liability case.
- Donald and Cheryl Hodgins v Moen Incorporated and Contractors Pipe & Supply Corporation, Wayne County Circuit Court. Trial. Product liability lawsuit. The plaintiff claimed that the defendant manufacturer of stainless steel kitchen sinks failed to de-burr the edges of the sink and that a plumber who was handling the sink cut the tendons and nerves of the two fingers of his non-dominant left hand as a result of sharp edges on the sink. The case was defended on the basis that the plaintiff was attempting to load stacks of sinks onto a truck and inadvertently grabbed the edge of the sink when he intended to take a hold of the box. Defendant stated that the edge of the sink was not sharp and contained no burrs. The jury returned a verdict of “no cause for action” on March 18, 1993. The case mediated for \$100,000.
- Patricia Lambart and Richard Lambart v Link Electric & Safety Control Co., Wayne County Circuit Court. Trial, June 1992. Alleged defective design and breach of warranty of photo-electric safety device used on a power press. Plaintiff sustained amputation injuries after employer bypassed photo-electric device. Jury verdict of “no cause for action.”
- Ronald Leslie v Allen-Bradley Company, St. Clair County Circuit Court. Trial, 1994. Alleged design defect of a key-lockable mode selector switch on a power press. The jury returned a defense verdict of “no cause for action.” Plaintiff sustained amputation of his hand.
- Daniel Beavers v United Chair Company, U.S. District Court, Eastern District, Southern Division. Trial. Alleged defective design and failure to warn regarding office furniture. The plaintiff underwent two laminectomies, had \$46,000 in medical expenses, and reportedly was permanently disabled from work.

- Clark v Farmers Insurance, Wayne County Circuit Court. Trial. Plaintiff was a quadriplegic claiming benefits from the defendant. Jury verdict of “no cause for action.”
- Todd Thrun v Cincinnati Incorporated, U.S. District Court, Eastern District, Southern Division. Trial. Amputation injuries allegedly resulting from defective design of press brake. This was an alleged failure to guard claim. The jury returned a defense verdict of “no cause for action.”
- Kelly v Keystone Lighting, Oakland County Circuit Court. Trial. Alleged manufacturing defect of lighting fixture causing permanent injury to nerves and ligaments of plaintiff’s left hand. The jury returned a defense verdict of “no cause for action.”
- Donald and Rochelle Jones v Suburban Manufacturing Company, U.S. District Court, Eastern District, Southern Division. Trial. Burn injuries from an allegedly defectively designed furnace manufactured by the defendant. The jury returned a defense verdict of “no cause for action.”
- Larry Malace v Danly Machine Corporation, U.S. District Court, Eastern District, Southern Division. Trial. Amputation injuries alleged resulting from defective design and failure to guard a power press. The jury returned a defense verdict of “no cause for action.”
- Jimmie and Sharon Parkes v Minster Machine Company, U.S. District Court, Ann Arbor. Trial. Amputation injuries allegedly resulting because of alleged failure to guard and failure to warn. The jury returned a defense verdict of “no cause for action.”
- Vincent v Allen Bradley Company, Wayne County Circuit Court. Trial. Plaintiff worked at Iroquis Tool and Die and sustained an amputation of her hand in a punch press. The Plaintiff claimed that the punch press was equipped with Allen Bradley electrical controls which were alleged to have been defective and caused the accident. Jury verdict of no cause of action.
- Scott v Allen Bradley Company, Macomb County Circuit Court. Trial.

- Pravic v US Industries, United States District Court. Trial. No cause of action where Plaintiff alleged defective design of power press.