

Cohen & Feeley partner, Steven Margolis, with the assistance of Associate, Jonathan Acklen, conducted a trial in January 2009 on behalf of a client who was injured in an industrial accident, which resulted in a settlement in excess of One Million Dollars after the third day of trial. The evidence which was being presented on behalf of the Plaintiff (client) was that the Plaintiff and his supervisor, were at the Defendant's plant to do repairs on an industrial machine. The Defendant requested that the Plaintiff and his supervisor enter into the machine to do repairs and stated to the supervisor that Defendant would 'lock out' and 'tag out' the machine to guarantee that it could not function. Additionally, the Plaintiff and his supervisor purposely left an interlocked safety gate open as back-up protection against unexpected start-ups. The interlock on the safety gate was supposed to also prevent operation of the machine, when the safety gate was in the open position. The client was injured when the machine unexpectedly started up crushing his leg. It was uncovered by attorney Margolis, during discovery in the case, that the Defendant's employees failed to 'lock out' and 'tag out' the machine as they had promised; further, employees of the Defendant had, prior to the incident, purposely disconnected the interlock on the safety gate. The stated reason for this, according to employees of the Defendant, was to "increase productivity", as the safety interlock stopped production whenever the gate was opened for minor adjustments. The settlement occurred after the third day of trial after the trial judge agreed that Plaintiff could seek punitive damages for the Defendant's actions if the jury found that the conduct of the Defendant rose to the level of willful, wanton and/or reckless conduct."