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Butcher Hurt in Hamburger Maker Settles Product Suit for \$950,000

New Jersey Law Journal

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A butcher who suffered partial amputation of three fingers accepted \$950,000 on Feb. 16 to settle his Essex County product liability suit, *Arloro v. Hollymatic*.

On Dec. 4, 2005, Robert Arloro was removing excess meat from a hamburger-making machine at Kings Supermarket in Garwood when he turned it off, removed its top feed tray and opened the front hinged safety cage to disable the machine. But while his hand was in the feed tube, the machine came on, crushing his right index, long and ring fingers. Surgeons had to amputate the fingers up to the first knuckle.

The machine, a Super 54 model, was made in 1991 by Hollymatic Corp. of Countryside, Ill., and rebuilt and sold to Kings in 2001 by New Brunswick Saw Service of Edison. In 2003, 2005, 2006 and 2007, Kings called in NBSS to repair the machine, which continued to run when the safety cage was open. NBSS attributed the problem to water and ice infiltrating the machine's electrical system.

Arloro's lawyer, **Cynthia Walters** of **Budd Larner** in Short Hills, claimed other machines of the same model malfunctioned the same way.

Hollymatic and NBSS asserted that Kings employees improperly used hoses to clean it and Arloro failed to unplug it before removing excess meat.

Arloro still suffers from painful regrowth of fingernails from his amputated fingers.

NBSS will pay \$800,000, Hollymatic \$100,000, plus an annuity now worth \$50,000. A third-party indemnification claim by Hollymatic against NBSS is pending, says Walters, who was assisted by **Christopher Paladino**.

Hollymatic's lawyer, **Kelly Waters of Wilson, Elser, Moskowitz & Edelman** in Newark, and NBSS's lawyer, **Raymond Kramkowski of Linda Bauman** 's office in Fairfield, did not return calls.

— *By Charles Toutant*

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