

Minor Gets \$1.2M For Injury In Metal Shop Accident

Instructor Had Been Told To Keep Guard In Place

The minor plaintiff was a 16-year-old male who was in metal shop at which time the metal shop teacher instructed the minor to use a table saw. The guard had been removed from the table saw to make a special cut and had not been replaced.

When the minor plaintiff ran the wood through the cutting area and without the guard being in place, the wood was forced through rapidly, severely cutting three of the plaintiff's fingers.

Surgery was performed and the plaintiff lost substantial use of three of his fingers on his left, non-dominant hand.

The issue of governmental immunity was raised early, and became the main issue of the case. In fact, the argument was governmental immunity v. gross negligence.

The key to winning, according to plaintiff's counsel, was that he was able to convince the insurance carrier that they would not be successful with their defense of government immunity.

The case was not filed and, therefore, the issue was never ruled on by the court. Since this case was resolved without filing the complaint, formal discovery was not entered into. However, it was discovered that this particular shop teacher had a habit of removing the guard from the saw, and that he was previously instructed to keep the machine's guard in place.

Type of action: Negligence regarding the use of a table saw at a public school

Type of injuries: Loss of substantial use of three fingers on left (non-dominant) hand requiring surgery

Name of case: Minor v. Community School

Court/case no./date: Not filed; matter settled through facilitation

Name of judge: N/A

Settlement amount: \$725,000 up front, with \$1.2 million structured

Allocation of fault: 100 percent to the defendant

Attorney for the plaintiff: James O. Elliott