



Defective seat's metal rod pierced plaintiff's genitals: suit

Type: Arbitration

Amount: \$450,000

State: Michigan

Venue: Wayne County

Court: Wayne County, Circuit Court, MI

Injury Type(s):

- *other* - laceration; catheterization; scar and/or disfigurement
- *urological* - penis; ureter, tear; sexual dysfunction; impotence; sexual dysfunction; erectile dysfunction
- *mental/psychological* - psychiatric; chronic depressive disorder

Case Type:

- *Products Liability* - Design Defect

Case Name: Deonta Jackson-James v. Redford Union High School, Redford Union School District, Grand Rapids Building Services Inc., SICO North America Inc., Professional Education Services Group, Chuck Martin, Mike Taylor and Mike Humitz, No. 13-012601-NO

Date: March 15, 2017

Plaintiff(s):

- Deonta Jackson-James (Male, 19 Years)

Plaintiff Attorney(s):

- Jonathan R. Marko; Ernst & Marko; Detroit MI for Deonta Jackson-James

Plaintiff Expert (s):

- Gene Litwin; Mechanical; Buffalo Grove, IL called by: Jonathan R. Marko
- Gerald A. Shiener M.D.; Neuropsychiatry; Birmingham, MI called by: Jonathan R. Marko
- Robert Ancell Ph.D.; Vocational Rehabilitation; Detroit, MI called by: Jonathan R. Marko
- Richard Santucci M.D.; Urology; Detroit, MI called by: Jonathan R. Marko

Defendant(s):

- Mike Humitz
- Mike Taylor
- Chuck Martin
- SICO North America Inc.
- Redford Union High School
- Redford Union School District
- Grand Rapids Building Services Inc.
- Professional Education Services Group

Defense Attorney(s):

- None reported for Redford Union High School, Redford Union School District, Grand Rapids Building Services Inc., Professional Education Services Group, Chuck Martin, Mike Taylor, Mike Humitz
- John Wm. Martin Jr.; Plunkett Cooney, P.C.; Detroit, MI for SICO North America Inc.

Insurers:

- Allied World National Assurance Co.

Facts:

On July 20, 2013, plaintiff Deonta Jackson-James, 19, a fast-food restaurant employee, was preparing to have lunch in the cafeteria of Redford Union High School, in Redford. Although he was not a student, Jackson-James qualified for free lunches through a low-income lunch program hosted at the school. When Jackson-James sat on a plastic stool connected to a table, a sharp end of a metal pole pierced the stool top and speared his genitals. Jackson-James claimed injuries to his urethra.

Jackson-James sued SICO North America Inc., alleging violations of Michigan's products liability statute. He alleged negligence against Redford Union High School, Redford Union School District, Grand Rapids Building Services Inc., Professional Education Services Group, Chuck Martin, Mike Taylor, and Mike Humitz.

All defendants except for SICO North America were dismissed prior to arbitration. The matter proceeded on the products liability claims against SICO only.

Jackson-James specifically alleged that SICO had manufactured and sold a product with a dangerous design defect. He argued that the stool was designed in a manner that would result, with repeated use, with the sharp metal rod piercing the seat. He noted that there were similar incidents across the country of the stool/table units malfunctioning and causing genital injuries.

Jackson-James' mechanical engineering expert said in his deposition that the unit's design was defective and had a catastrophic failure rate. He cited alternative designs that could have been used to prevent the defect.

SICO denied liability, arguing there was no issue with the design of the unit. SICO also contended that the injury had occurred only because the owners of the stool/table had failed to properly maintain it.

Injury:

Jackson-James initially returned home and was taken by his mother to his family doctor. He was told to go to an urgent care center emergency room.

Jackson-James was diagnosed with a severe laceration which separated his urethra from his prostate. He required emergency surgery, which included an unsuccessful attempt to place a catheter. In a second attempt, a catheter was placed in his abdomen. He ultimately required reconstructive surgery to repair function to the urethra. He used a catheter bag for about six months following the surgery.

Jackson-James developed scarring at the surgical site. He claimed erectile dysfunction and the need for medication to maintain an erection. He also claimed he experienced occasional pain at the site of his injury. In addition, he said that while he had otherwise physically recovered, he had developed a depressive disorder due to his condition but has not received psychological treatment. He claimed outstanding medical expenses of approximately \$77,000.

Jackson-James' treating urologist said in his deposition that he would have permanent physical residual effects from his injury, such as impotence and pain disorder.

Jackson-James' neuropsychiatric expert confirmed in a deposition that he had developed permanent psychological conditions because of the experience.

Jackson-James' vocational expert stated in a deposition that he will be unable to pursue training as a chef because of his psychological condition.

SICO disputed damages, denying that Jackson-James had become impotent and arguing that he had fully recovered from his injury.

Result:

SICO was found fully liable, and Jackson-James was awarded \$450,000 in damages by a private arbitration panel. SICO, which was partially self-insured, paid for the first \$150,000 of the award, with the remainder paid by a \$1 million policy with Allied World National Assurance Co.

Trial Information:**Editor's
Comment:**

This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

Writer

Max Robinson