



The Voice

And The Defense Wins

Published 7-3-13 by DRI

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DRI member [Peter A. Dubrawski](#), partner at **Haight Brown & Bonesteel LLP** in Los Angeles, obtained a 12-0 verdict for his client cross-defendant Genie Industries in a case alleging workplace negligence and product defect that resulted in a crush injury to plaintiff's hand. The case was tried before the Honorable William M. Monroe in the Orange County Superior Court.

On August 31, 2010, plaintiff Gerald Ohmer, a 51-year-old sign installer, went to F&B Rentals, Inc. While he was attempting to rent an aerial work platform, the machine malfunctioned. F&B Rentals instructed the plaintiff to place his hand inside the machine. An F&B Rentals employee subsequently operated the machine and the plaintiff's hand was crushed. The injuries were to plaintiff's dominant left-hand forefinger and surgery was required to remove foreign objects and repair nerve damage. The residual injuries included sensitivity and reduced range of motion.

The plaintiff sued F&B Rentals for negligence, seeking \$500,000 in damages and F&B Rentals cross-complained against Genie Industries, claiming product defect. Defendant F&B Rentals offered the plaintiff \$75,000. Cross-defendant Genie Industries made no settlement offer.

After 11 days of trial and four hours of deliberation, the jury found for the plaintiff against F&B Rentals in the amount of \$227,000, but found no liability against Genie Industries on the cross-complaint.

Gerald Ohmer v. F&B Rentals, Inc./F&B Rentals, Inc. v. Genie Industries, Inc., Orange County Superior Court Case No. 30-2011-00529402.

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