



## \$1.9 Million for Spinal Injury

*Fillebrown v. Steelcase, Inc.*: A federal court jury awarded \$1.51 million on Sept. 28 to an AT&T executive whose chair collapsed, causing him to hit his head on a wall and to suffer permanent spinal injury.

Pretrial settlements with other defendants and defense contributions for a workers' compensation lien will bring the recovery to \$1.9 million, and prejudgment interest will add another \$488,000, says plaintiff's lawyer **David Mazie** of **Nagel Rice Dreifuss & Mazie** in Livingston.

Alan Fillebrown was at a meeting in an AT&T conference room in South Plainfield on April 19, 1996, when he leaned back in his swivel chair to take a sip from a can of soda. The metal spindle of the chair broke in half, causing Fillebrown to fall backward and hit his neck and head on the wall behind him, according to Mazie's evidence.

Mazie says the evidence, including deep machining scratches on the spindle, suggested the accident was caused by the negligence of three

companies that manufactured the chair or its parts. They were the assembler, Steelcase, Inc. of Grand Rapids, Mich., the maker of the spindle, Gordon Manufacturing Co. of Grand Rapids, and the manufacturer of the chair control components, Bassick, Co. of Shiner, Texas.

Since the accident, Fillebrown has undergone surgeries, has been on long-term disability with chronic pain in his neck, back and arms and has lost a considerable amount of mobility.

Prior to trial before U.S. District Judge **Alfred Wolin**, Fillebrown reached a \$475,000 settlement with Gordon Manufacturing, represented by **Donald Davidson**, a partner with **Hoagland, Longo, Moran, Dunst & Doukas** in New Brunswick.

Bassick, Co. represented by **Edward De Pascale** of Jersey City's **Lamb, Hartung, Kretzer, Reinman & De Pascale** settled for \$50,000.

The jury awarded Fillebrown \$452,000 for pain and suffering, \$172,000 for lost wages and



**DAVID MAZIE**

\$886,000 for future lost wages. It found Steelcase to be 85 percent liable and Gordon Manufacturing to be 15 percent liable. Mazie says Steelcase's share of the verdict will be \$1.33 million. That, plus the settlements and the defendants' share of a workers' compensation lien, will bring the recovery to \$1.9 million, plus interest, he says.

Steelcase's lawyer, **William Bumgardner** of **Clark's Bumgardner & Ellis** did not return a call last Thursday. Other lawyers in the case say he presented evidence that the defects in the chair parts, manufactured more than 20 years ago, could only be caused by abnormal abuse after their purchase. Bumgardner also presented evidence that Fillebrown's injuries were exacerbated by a pre-existing condition, a spinal abscess.

— *By Henry Gottlieb*