



Worker's Suit Over Amputated Hand Settles for \$1.35M in Camden Co.

Hadden v. T&M Systems: A plant worker accepted \$1.35 million on June 20 to settle his suit for the loss of his right hand in an industrial accident.

The settlement was reached the day trial was set to begin before Judge **M. Allan Vogelson** in Camden County.

James Hadden, an employee of Seabrook Farms, was cleaning a spinach-processing machine at the Bridgeton plant on May 23, 1997. The machine was still running, and his hand became caught and crushed. It had to be amputated five inches below the elbow.

Hadden sued T&M Systems of Trumbauersville, Pa., the successor in interest to the machine's maker, charging that it was dangerous because it lacked a guard to protect employees from injury.

He also sued Seabrook Farms, claiming, to surmount the workers' compensation bar, that the company's policy called for employees to clean the inside of the machine while it was running. Unfortunately for Hadden, this led to

Seabrook's general liability carrier disclaiming coverage because the claim alleged an intentional act, says his lawyer, **Louis DeVoto**, of Cherry Hill's **Ferrara, Rossetti & DeVoto**.

Seabrook's lawyer, **Nicholas Kouletsis**, a partner in the Cherry Hill office of **Pepper Hamilton**, says the company did not dispute that workers were ordered to clean the machine while it was running, but since the accident, the procedure has been changed, he says.

Seabrook Farms will pay only \$50,000 toward the settlement, while T&M will pay \$1.3 million.

T&M's lawyer, **William Hopkin of Tomlin, Hopkin & Montemurro** in Haddonfield, says his client maintained it was not liable because the machine was produced by Thomas & Muller Co. of Camden, which is no longer in business.

But DeVoto says that T&M had the same officers, clients and products and calls to the old company's telephone

ONGOING HURT: Louis DeVoto's client is plagued by extreme sensitivity to cold and heat in his right arm and phantom pain from the missing hand.

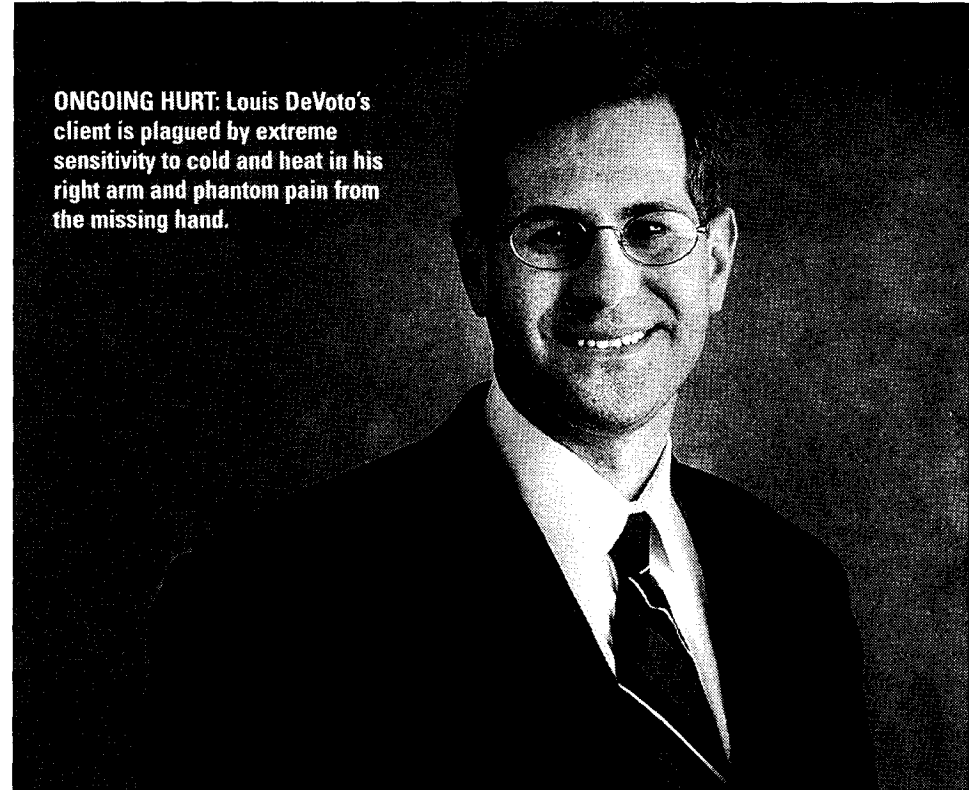


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number were automatically directed to its successor's office

Hadden, now 24, works as a forklift operator at a sod farm, but his right arm is plagued by extreme sensitivity to cold and heat and phantom pain from the missing hand, DeVoto says.

— *By Charles Toutant*