

DAILY REPORT

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Six defendants settle in eye injury case

P&G PLANT WORKER in Augusta reaches confidential deal in mediation after accident that damaged his vision

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AN EQUIPMENT OPERATOR whose eyes were severely injured in an accident at an Augusta industrial plant has reached a confidential settlement with six corporate defendants, according to his attorney.

Michael Bradley, 35, suffered “horrific, life-changing injuries” as a result of a Jan. 1, 2010, accident at the Procter & Gamble Manufacturing Co. plant in Augusta, according to his attorney, Jonah Flynn.

A valve malfunctioned in a large series of pipes that carried a substance called “paste agglomeration,” used in the manufacture of powdered laundry detergent. The paste ejected into Bradley’s face while he was performing maintenance on the line. Bradley has undergone several surgeries and still suffers from vision problems as well as post-traumatic stress disorder, Flynn said. His medical bills have already run up to \$118,000. Flynn said Bradley’s life care plan includes \$1.4 million in future medical needs.

“It destroyed his eyes. It also took away his sense of taste and smell,” Flynn said. “He is fortunate to recover some money. Obviously, nothing can replace this man’s vision and his loss of taste and smell.”

Bradley continues to work for Procter & Gamble. One eye has healed to the point that he can see with the help of a special glass contact lens made by a lab in Boston, Flynn said. But his doctors recommend that he limit the use of the lens to his working hours so his eye can heal further.

Five defendants agreed to a resolution at the end of a 12-hour mediation session with Art Glaser of Henning Mediation on May 30, according to Flynn, whose co-counsel was Jeremy McKenzie of Karsman, McKenzie & Hart in

Savannah. The plaintiffs—Bradley and his wife, Sandee—reached a settlement a week prior to the mediation with one defendant, Tyco Valves & Controls, represented by Jeffrey Elkins of Shook Hardy & Bacon in Kansas City, Mo. Elkins confirmed the settlement, saying he expects Flynn to file a dismissal of the lawsuit as soon as the details are concluded.

The lawsuit was in discovery before Fulton County Superior Court Judge Kelly Lee.

“We are pleased that this matter was resolved amicably. While the parties strongly disputed liability, everyone agreed that Mr. Bradley is a good and decent man. We wish him and his wife well and pray that he continues to make progress in his recovery,” said Edward H. Lindsey of Goodman McGuffey Lindsey & Johnson in an email. Lindsey represented E-Technologies Group. He is also majority whip in the Georgia House of Representatives, R-Atlanta, and a candidate for the 11th District seat in the U.S. Congress.

The other defendants are: Fru-Con Construction Corp., represented by Patrick Moore of Weinberg Wheeler Hudgins Gunn & Dial; Technical Associates, an engineering firm, represented by Gregory Wheeler of Carlock Copeland & Stair; Velan Inc., a valve manufacturer, represented by Brian Johnson of Drew Eckl Farnham; and Procter & Gamble Co., represented by Richard Hines of Nelson Mullins Riley & Scarborough.

Hines offered this comment from Procter & Gamble: “Mr. Bradley is a valued employee, and P&G is delighted the case resolved.”

The other attorneys declined to comment on the case.



REBECCA BREYER

Jonah Flynn says his client suffers from post-traumatic stress disorder as well as other injuries.

The lawsuit alleged negligence in the design and construction of the piping system. Fru-Con, a contractor, had made recent modifications to the system, according to Flynn. Technical Associates and E-Technologies were sued for design flaws. Procter & Gamble was also alleged to have a role in the design and maintenance of the lines.

Flynn said he took care to name as a defendant every party that could have any responsibility in order to avoid any defendant blaming a non-party to the case. Before Georgia’s apportionment law, he said he might have only sued the manufacturing plant and the construction company. “In the age of apportionment,” Flynn said, “my strategy is to bring everybody to the table.”

The case is *Bradley v. Fru-Con*, No. 2011CV209795. 

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