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## \$2 Million Settlement Reached in Table Saw Amputation Lawsuit

Mai v. Ryobi Technologies

Max Mitchell, The Legal Intelligencer

May 26, 2017

**Date of Verdict:**

May 15.

**Court and Case No.:**

C.P. Philadelphia No. 140303388.

**Judge:**

Lisa Rau.

**Type of Action:**

Products liability, negligence.

**Injuries:**

Finger amputation.

**Plaintiffs Counsel:**

Joseph Messa and Ramon Arreola of Messa & Associates, Philadelphia.

**Defense Counsel:**

Jonathan Dryer of Wilson, Elser, Moskowitz, Edelman & Dicker, Philadelphia, for One World Technologies; and Kelly Fox Gerolamo, McNulty, Divis & Lewbart, Philadelphia, for Eric Aponte.

**Plaintiffs Experts:**

Kelly Mehler, woodworking expert; Darry Robert Holt, mechanical engineering expert; Terry Leslie, vocational expert; Royal Bunin, economist.

### **Defense Experts:**

Peter Domeny, safety engineer.

### **Comment:**

A man who amputated his finger with a table saw has settled claims against the toolmaker and the saw's owner for \$2 million between them, according to the plaintiff's attorneys.

Alex Mai, who accidentally severed several fingers on his dominant right hand with a Ryobi Technologies table saw, had sued One World Technologies, which made the saw, and Eric Aponte, who owned the saw, in the Philadelphia Court of Common Pleas, raising negligence and products liability claims.

According to Mai's attorneys, Joseph L. Messa and Ramon A. Arreola of Messa & Associates, Mai recently settled with One World Technologies for \$1.9 million, and Aponte for \$100,000. One World Technologies was insured by AIG, while Allstate insured Aponte, the attorneys said.

According to Mai's settlement conference memo, he was 19 in March 2012 when he was helping Aponte install hardwood floors at a woman's home. Mai did not have experience using table saws, but Aponte allegedly directed him to cut a length of flooring. After Mai had almost cut through the piece of wood using the saw, the wood came into contact with the back end of the spinning saw blade, which caused a "kickback accident" that pushed Mai's hand into the blade.

Mai's middle finger on his right, dominant hand was amputated during the incident, and other fingers sustained nerve damage and disfigurement, the memo said. The injuries, according to the memo, caused pain and suffering and lost earning capacity.

According to Mai's memo, the saw had been equipped with a guard, but it had been taken off before Mai used the saw. Mai contended that the guard had been defectively designed, and the manufacturer knew customers had frequently been choosing to remove the guard. Mai further contended that the company should have used "flesh detection" technology, allegedly available as early as 2000, that could have quickly stopped the blade.

"Ryobi simply decided that safety of its users wasn't worth diminishing its profits on 'best selling,' 'lowest costing' table saw," Mai's memo said. "As a result, hundreds of BTS-10 users, including Alex Mai, suffered serious, permanent and disfiguring injuries."

Mai's memo raised claims under the risk utility and consumer expectation theories of products liability, and raised negligence claims against the saw maker and Aponte. He also raised a failure to warn claim.

In its settlement conference memo, One World Technologies said Mai misused the saw, since he was using it without the safety guard. The manufacturer also said Mai assumed the risk, and that the saw met national safety standards.

The company further said Mai is gainfully employed as a UPS supervisor—a job he secured after the accident.

Aponte's pretrial conference memo said he had "expressly instructed Mr. Mai to stay away from the saw on the date of the accident."

Jonathan Dryer of Wilson, Elser, Moskowitz, Edelman & Dicker, who represented One World Technologies, declined to comment. Kelly Fox of Gerolamo McNulty Divis & Lewbart represented Aponte. She did not return a call for comment.

— Max Mitchell, of the Law Weekly •

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