
Jury Denies Careless Machine Operator

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Brian A. MacDonald scored a recent trial victory before a Monroe County jury. In this action, a customer service agent for AirTran Airways, allegedly injured his back while operating a baggage conveyor system at the Rochester Greater International Airport.

According to the plaintiff, the machine jammed with loose baggage, and he climbed up a conveyor belt into the machine in order to fix the problem. He testified at trial that the machine started up without warning when he cleared the jam, and then pressed a reset button. Brian defended the County of Monroe, which owned the machine, as well as the County's electrical contractor. He presented evidence that the plaintiff was an experienced user of the machine, and should have followed well-known shutoff procedures. In particular, he pointed out that plaintiff knew how to shut down all power to the system, which would have prevented the accident. The jury found that plaintiff was an "experienced user", and, as such, the County had no duty to warn him about the common dangers associated with such machinery. Likewise, the jury found that the electrical contractor had no obligation of any kind to the plaintiff.