



And The Defense Wins!



On October 10, 2003, following a six-day trial, a Philadelphia County jury returned a defense verdict in favor of the manufacturer of a commercial food dicer, Lincoln Foodservice Products, Inc., who was represented by **Robert M. Cavalier**, (rcavalier@lucascavalier.com) of **LUCAS and CAVALIER, LLC** in Philadelphia. Plaintiff sustained lacerations to her lip and gums and a cracked tooth upon biting into a 1 1/2" x 1" steel blade which came from the dicer and was present in the buffalo chicken salad she ordered at a TGI Friday's.

In addition to the physical injury claim, plaintiff sought damages for medical bills, post traumatic stress disorder which was supported by a treating psychologist and expert psychiatrist, and a wage loss claim advanced by a forensic economist ranging from \$330,000 to \$869,000. The basis for the alleged non-bodily injury damages stemmed from the intentional conduct of TGI Friday's personnel in not providing the plaintiff with the blade, despite her request to have it tested. In pre-trial motions, the defense was able to dismiss the plaintiff's fear of HIV/Hepatitis claims, so evidence was not admitted as to why the plaintiff wanted to test the blade. TGI Friday's presented evidence from a mechanical engineer who opined that the food dicer was defective. Plaintiff's demand was in excess of \$1,300,000 and she was offered \$200,000 from the TGI Friday's defendants while the jury deliberated. The jury awarded the plaintiff \$50,000 in compensatory damages and \$25,000 in punitive damages only against the TGI Friday's defendants. No award was provided to plaintiff's husband for loss of consortium. Good work, defense!