

# Back injury in fall from chair wins ex-Bethlehem cop \$1.2M

By Carol DeMare

Staff writer

ALBANY — A retired Bethlehem police sergeant was awarded \$1.2 million Wednesday for severe back injuries he suffered three years ago when a chair on which he was seated collapsed, throwing him to the floor.

The award to Leo Dorsey of Delmar and his wife, Barbara, came in an out-of-court settlement shortly before a state Supreme Court jury was to begin deliberating in the product-liability case.

Dorsey, 51, had to retire from the Bethlehem force after the April 15, 1988, accident, which injured his lower back, and he has been unable to work at any job since,

according to his attorney, Sanford Rosenblum.

The former officer suffers from "chronic lower back syndrome," which means he is in pain all the time, Rosenblum said. "He goes to physical therapy three times a week and will be under the care of a physical and rehabilitative medicine physician for the rest of his life."

Michael W. Kessler, a partner of Rosenblum's in the Albany firm of Rosenblum, Ronan, Sarachan & Kessler, presented evidence during a two-week trial before state Supreme Court Justice Joseph Harris to show that on the day of the incident, Dorsey, normally a patrol sergeant, was filling in as a police dispatcher.

He was seated on an executive-type swivel

chair, a large office chair with a back and arms which came ready-assembled when purchased from a local retailer who was not involved in the lawsuit, said Rosenblum.

The officer turned to reach a telephone behind him and the chair collapsed, causing Dorsey to hit his head and back, the attorney said.

"We proved that the mechanical assembly holding the chair together was defective," specifically a bolt that was used improperly, Rosenblum said. The bolt that fractured was "too light" to hold the back of the chair to the seat, the attorney said.

Faultless Manufacturing Co. of Connecticut supplied the bolt and other parts to the chair manufacturer, Globe Furniture Co. of

Tennessee.

According to terms of the settlement, Globe will pay \$800,000 in damages for Dorsey's pain and suffering and his wife's loss of her husband's services and Faultless the remaining \$400,000.

Globe "had been warned there had been prior failures" with that particular chair all over the country, yet the company "took no action to either recall the chairs or warn the retailers and did not redesign the chair," Rosenblum said.

Globe Furniture is insured by American International Group, which Rosenblum said has been on a national campaign for some time, taking ads in newspapers, magazines and trade journals, to do away with product-liability lawsuits except in cases where

manufacturers are reckless or grossly negligent.

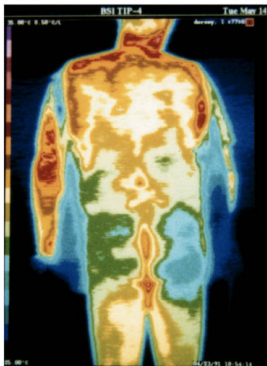
Michael Foreman, a spokesman for AIG in its Manhattan offices, said the insurance company has "done a lot of advertising on various aspects of the litigation explosion in the country." He would not be specific, however, on whether AIG has targeted product liability cases, saying he "would have to go back and look at the ads."

Rosenblum said the first offer to settle from the companies — an offer of \$400,000 which was rejected — came after the jury was picked. The settlement was reached shortly before noon, after closing arguments had been heard and before Harris was about to charge the panel.

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## Settlement — Products liability — Back Injury — \$1.2 million

Leo Dorsey, a Town of Bethlehem police sergeant, was injured when a chair upon which he was sitting collapsed, throwing him to the floor. He sustained a severe permanent back injury as a result of which he had to retire and has been unable to work since. Dorsey, age 51, and his wife sued Globe Furniture Co., the chair manufacturer, and Faultless Manufacturing Co., manufacturer of a bolt whose fracture caused the chair to collapse. At trial before Hon. Joseph Harris, Albany County Supreme Court, and a jury, **Dr. Jonathan Cooper**, physical and rehabilitation specialist, Albany, testified to the nature and extent of plaintiff's injuries, including the fact that his pain was constant. **Thomas Kershner**, economist, Saratoga Springs, testified regarding plaintiff's economic loss. **Vito Colangelo**, metallurgist, Albany, offered testimony concerning the nature of the defect in the bolt and that the design of the chair caused the bolt to fracture.

For the defendants, **Dr. Dominic Sette-Ducati**, neurologist, Albany, **Dr. Nicholas Teresi**, industrial medicine specialist, Albany, and **Morris Ehrenreich**, vocational rehabilitation specialist, Kinderhook, testified. A thermograph, or heat picture, was introduced as evidence to confirm the existence of dysfunction in the area in which plaintiff complained of pain. After two weeks of trial, but before the jury returned a verdict, the matter was settled. The total amount of the settlement was \$1.2 million, with Globe contributing \$800,000 and Faultless \$400,000.

Plaintiff's attorney: **Michael Kessler** (Rosenblum, Ronan, Kessler & Sarachan), Albany.

Attorney for Globe: **Allen Day** (Thomas Miller), Albany.

Attorney for Faultless: **Neal O'Connor** (Ainsworth, Sullivan, Tracy, Knauf, Warner & Ruslander), Albany.

Dorsey, et al. v. Richards Office Furniture, Inc., et al.; Settled June 19, 1991.