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ROBSON FORENSIC PRESENTS

Summer Injuries

The activities of summer may seem routine, but according to a leading safety organization, people are more likely to be injured in the summer than any other time throughout the year. Around the house, activities as routine as mowing the lawn or cooking on a grill can cause severe injuries. Swimming, water sports, and boating can result in drownings. A celebratory fireworks display can lead to severe burns or traumatic injuries.

Inside you'll find highlights of investigations where **injuries resulted from summer activities** as well as information on some of our world class experts.

Contact us at one of our offices listed on the reverse of this piece, or visit www.robsonforensic.com.

Robson Forensic
Engineers, Architects, Scientists & Fire Investigators

Summer Injuries

Our Expertise in Summer Injuries:

- ◆ Aquatics
- ◆ Child Supervision
- ◆ Recreational Vehicles
- ◆ Pyrotechnics
- ◆ Sports and Recreation
- ◆ Fires / Explosions
- ◆ Boating
- ◆ Product Liability
- ◆ Injury Causation
- ◆ Warnings / Labeling

Other Expert Areas:

- ◆ Construction
- ◆ Professional Liability
- ◆ Biomechanics
- ◆ Agriculture / Food Safety
- ◆ Dram Shop / Liquor Liability
- ◆ Medical
- ◆ Motor Vehicles
- ◆ Premises Liability
- ◆ Environmental Health and Safety
- ◆ e-Discovery
- ◆ Meteorology
- ◆ Transportation
- ◆ Workplace Safety
- ◆ Admiralty

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Recent Case Highlights

One killed and four injured in PWC/boat collision

A man was killed and four others were injured when the boat he was operating collided with the rear quarter of a personal watercraft (PWC). Robson Forensic was retained to determine if the actions of the PWC operator were improper in a manner that caused the crash.

By examining the evidence, we were able to reconstruct the angles of impact, determine the status of the boat and PWC at collision, and evaluate the waterway restrictions. The woman operating the PWC passed the boat, suddenly turned, and accelerated into the path of the oncoming boat. We showed that the boat operator executed two separate evasive maneuvers in an attempt to avoid the collision, but could not prevent the boat from striking the PWC. The collision was the result of the PWC operator's improper, unsafe, and inattentive actions.

This case settled prior to trial.

Gas flare up causes severe burns

A man was severely burned when flames erupted from under his propane gas grill while he was cooking. The grill and included propane tank had been recently purchased from a local discount department store. Robson Forensic was retained to determine if the grill was defective in a manner that caused the injury.

Our mechanical engineer showed that the valve and regulator assembly on the propane tank supplied with the grill were improper. The injury occurred when the propane supply hose came into contact with the hot underside of the grill and melted through. Propane gas rushed out and ignited. This foreseeable incident had been the subject of a recall several years earlier. A safer valve assembly designed to shut off the flow of propane gas in the event of a hose rupture was available and its use was required at the time that the grill was sold. The manufacturer should have provided the newer and safer valve, and the store should not have sold the grill package with the old style valve.

The case settled favorably to our client before trial.

Fingers amputated in lawn mower blades

A man lost two fingers while clearing grass clippings from the discharge chute of a lawn mower. Having released the safety mechanism at the handlebar in order to clear the debris, the man expected that the mower blades would stop turning. Robson Forensic was retained to investigate the claim.

Our inspection of the mower revealed that when the handlebar was released, the mower did not turn off. An interlocked cable safety mechanism was not working properly and failed to de-energize the mower. Our investigation also revealed that there was considerable friction between the protective plastic cable housing and the cable. Unnecessary friction prevented the mechanism from functioning in the manner it was intended to and the interlock failed.

Our expert was able to substantiate that the failure to provide an adequate safety device is a design defect and was a cause of this incident. Additionally, our expert was able to show that the lawn mower did not comply with the applicable safety standards.

This claim was resolved to the satisfaction of our client.

Woman dies at bottom of waterslide

A woman descended a waterslide and entered the catch pool feet first. Her upper body was thrown forward, and she impacted the water with her chest. She died immediately afterward. Robson Forensic evaluated the waterslide, the biomechanical components of the injury, and the park's operation of the waterslide to determine the cause of her death.

Our experts determined that design of the waterslide was appropriate, that the plaintiff acted in a reasonable manner, and was positioned in the slide as instructed by manufacturer and pool operator. The operator failed to post warnings regarding manufacturer's weight limit, and the lifeguard didn't enforce the safety rules provided by the manufacturer. The woman's death – a result of blunt trauma to the chest – resulted from her entry into a catch pool that did not have adequate water level, as stipulated by the manufacturer. The low water level caused her legs to “catch” and slow while her upper body was still in motion. Her upper body struck the water with sufficient energy to cause the cardiac concussion that led to her death. Our experts demonstrated that the waterpark operator failed to post adequate warnings and enforce safety rules and did not maintain proper water level in the catch pool.

This case settled favorably for our client before trial.

Man loses lower leg in fireworks explosion

A defendant was igniting a series of aerial fireworks on a boat dock when his homemade wooden fireworks support stand tipped over. A mortar-type device discharged, and struck a bystander. The bystander's lower leg was subsequently amputated.

A Robson Forensic criminal expert was retained to determine if the defendant had criminal intentions or if his actions were in violation of any federal or state laws; and to determine if the incident was foreseeable by the defendant.

The homemade fireworks stand fell after the first mortar fireworks discharged as intended. The firing of the first mortar disturbed the stand. As the stand fell, it caused the second mortar fireworks device to discharge and travel parallel to the ground striking the bystander. Through analysis of witness statements and physical evidence, our expert found that the defendant's intent was to ensure that the fireworks would discharge skyward, and found no criminal intent or law that would support charging the defendant with a crime. As the defendant was not experienced in the use of fireworks devices, the accident was possible, but not probable or foreseeable; he didn't have adequate training or experience to understand the device's complexities or possible results.

This case settled favorably for our client.

Featured Experts

Maria K. Bella, MAFOIT

Water park expert, drowning expert, swimming pool air quality and diseases, diving injuries expert

Maria has been professionally involved in sports and recreation for more than 30 years. She has operated aquatic facilities and fitness centers, and coached a variety of sports including swimming and softball. Maria is an expert in sports facility risk management; child supervision; staff development and training; and sports facility equipment operation.

In addition to her forensic consulting, Maria owns and operates companies that offer swimming instruction and exercise programs to children and adults; and aquatic consulting services to colleges/universities, municipalities, school districts, general contractors, and the hotel/motel industry. She is a Lifeguard Instructor, a Certified Pool Operator Instructor, and one of only four Master Aquatic Facility Operator Instructor Trainers in the world.

Maria is also a Certified Amusement Ride Inspector and a Certified Playground Safety Inspector. She participates in standards writing committees and serves on the Board of Directors for Professional Pool Operators of America.

Jeffrey J. Fischer

Maritime and boating expert; Unlimited Master Any Oceans

Jeff is highly qualified to evaluate the actions and behavior of the officers and crew in charge of vessels: large and small, commercial and recreational. Jeff's expertise is applicable to collisions/allisions, safety issues, vessel security, environmental compliance, and on-board injury analysis within the commercial, long shore, and recreational setting. His vast knowledge is relevant to all situations involving all types of vessels, from the largest ocean going vessel to personal watercraft.

Captain Fischer is federally licensed to command any vessel of any size on any ocean in the world and has over 35 years of seagoing experience. For over 20 years Jeff has sailed as a Master on U.S. Flag Merchant Vessels. As a Captain, Jeff is responsible for the overall operation of the vessel including the safe navigation of the vessel, compliance with company and regulatory body requirements, compliance with all safety policies and procedures, and oversees vessel maintenance schedules. Captain Fischer also has specialized expertise in cargo vessel operations including handling and stowage of cargo, lifting and rigging, and hazardous cargo management.

He is a graduate of New York Maritime College, Fort Schuyler.

Eric Heiberg

Product liability expert and mechanical engineer, product design, prototyping, testing, and manufacturing

Eric has a diverse design background that spans the complete product development cycle. He has taken products from initial concept through design, hazard analysis, prototyping, testing and manufacturing. Eric's design expertise includes work in the areas of sports equipment and medical devices. He has performed this work in compliance with national codes, standards & regulations.

Eric also has extensive experience with industrial equipment. He has designed, specified, and implemented safe production fixtures, machines and entire production lines. Throughout his work experience Eric has implemented many different types of enclosures, barriers, and interlocks for the safety of the workers at his facility.

Eric holds two U.S. patents and has two others pending. He is a registered Professional Engineer in New York and New Jersey, a PADI certified diver and a member of ASME and NSPE.