

Man who lost genitals in industrial accident sues two companies

On behalf of Johnston, Moore & Thompson

- February 17, 2011

A Florida man has filed third-party liability claims against a carpet cushion company and an industrial machine manufacturer. He was working as a contractor at the carpet cushion company when his genitals were sliced off in an [industrial accident](#) last January.

According to the lawsuit, the now-44-year-old man was employed by a staffing agency when he was contracted to work for Future Foam Carpet Cushion in Orlando. While he was there, he was instructed to remove a foam core from a "peeler machine," which is a steel-bladed machine used to cut blocks of carpeting foam. He was not provided any training in operating the machine.

"The surgically sharp steel blade sliced through [the man's] pelvis cutting off his penis and testicles while virtually cutting his body in half," reads the complaint.

As it turns out, employees at Future Foam had improperly removed a safety guard from the machine.

The lawsuit also states that Future Foam was aware of other instances in which workers had been injured or killed in industrial accidents when safety guards were removed from the type of machine in question, but the company's "maintenance and repair staff had failed and/or refused to properly upgrade the guarding."

He is also suing the manufacturer of the "peeler machine," Baumer of America, for product liability.

After the grisly accident, OSHA cited Future Foam for 10 serious workplace safety violations

As required by law, OSHA was called in to investigate the accident. The agency cited Future Foam for 10 serious safety violations, which means OSHA determined there was imminent danger to workers and that Future Foam knew or should have known about the risks. It proposed fining the company \$42,500. Future Foam is contesting the citations.

In the lawsuit, the injured worker claims that Future Foam "had a duty not to behave in a manner that was virtually certain to result in death or injury to workers."

Since the accident occurred during the course of employment, the man was entitled to workers' compensation through his employer, Spartan Staffing. Records obtained by the Orlando Sentinel show that Spartan paid the man \$520 in reimbursement for the cost of the ambulance. He has also filed workers' compensation claims for medical and physical therapy treatment, as well as his attorney's fees.

However, when a workplace injury is caused by the actions of someone other than the victim's employer or co-workers, he or she may have a [third-party liability claim](#) against those responsible. Since the man was an employee of the staffing company and not Future Foam, he has the right to seek compensation for losses caused by their negligence. He also has a right to seek compensation from Baumer of America if he can show that the "peeling machine" was unsafe.

He is seeking compensation for his medical expenses, lost wages, loss of earning capacity, disfigurement and loss of capacity to enjoy life. He is also seeking punitive damages against the companies.

His current medical status is not known. Neither he nor either of the two companies returned the Orlando Sentinel's phone calls seeking comment.

Source: Orlando Sentinel, "[St. Cloud man loses penis in industrial accident, files lawsuit against Orlando company](#)," Walter Pacheco, February 16, 2011