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suits & deals

Quadriplegic Settles Burlington Suit Over Exploding Air Tank for $16M

Grovatt v. Midwest Products Inc.: A Burlington County judge approved a $16 million settlement Tuesday in a product liability suit by a farmer who claimed that an exploding compressed-air tank left him a quadriplegic.

Half of the money will be placed in a structured settlement that will yield about $28 million over plaintiff Roy Grovatt's lifetime, assuming he lives to age 75, according to his attorney.

The accident occurred on May 6, 1997, while Grovatt was on his family farm in Tabernacle filling a portable air tank for use in inflating tractor tires. The steel tank, designed and made by Midwest Products of Strafford, Mo., exploded and destroyed 20 percent of Grovatt's skull, says his attorney, **John Baldante**, a partner at **Levy, Angstreich, Finney, Baldante, Rubenstein & Coren** in Cherry Hill.

Grovatt, now 45, was left a quadriplegic, blind in his left eye and severely disfigured.

Grovatt's family sued Midwest Products and the Burlington County Farm Fair Association, which organized the event where Grovatt bought the air tank from a vendor. The suit claimed that because the fair had an agricultural theme, inclusion of the vendor constituted an implied endorsement of the product as safe and suitable for farm use.

The suit claimed that moisture from cooled air in the tank caused corrosion and the resulting rupture. The suit said Midwest Products failed to comply with design and manufacturing aspects of the code of the American Society of Mechanical Engineers.

Midwest used a substandard grade of steel, failed to equip its tanks with a valve to drain accumulated water and used welds that were of poor quality and exposed the tank's most vulnerable seam to corrosive stress, the suit alleged.

Grovatt requires 24-hour care, provided by family members and outside help, at a cost of $15,000 a month, Baldante says.

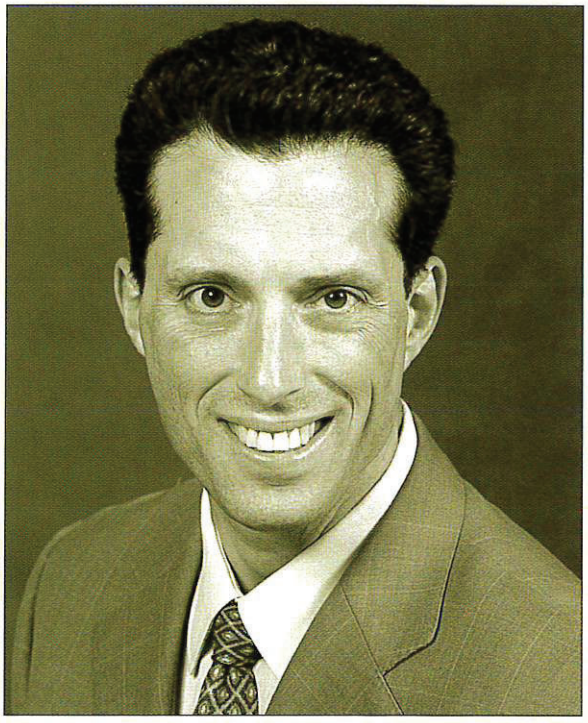
The parties met on May 10 with three mediators: **C. Judson Hamlin**, of counsel with **Purcell, Ries, Shannon, Mulcahy & O'Neill** in Bedminster; **Lauren Handler**, a partner at **Porzio, Bromberg & Newman** in Morristown; and **Richard Levinson** of **Levinson Axelrod** in Edison.

The parties settled a few days after the mediation. The Farm Fair Association will pay an "insignificant" portion of the $16 million and the remainder will come from Midwest Products, says Baldante. The settlement calls for the defendants' contributions to remain confidential, he says.

Judge **Ronald Bookbinder** approved the settlement subject to removal of a U.S. Bankruptcy Court stay imposed after Huntco Inc., Midwest Products' parent, filed for Chapter 11 bankruptcy in February.

Midwest Products was represented by **Gerard Hanson**, a partner with **Hill Wallack** in Princeton. The Burlington County Farm Fair Association was represented by **John Donovan**, a partner at **Rawle & Henderson** in Philadelphia. Hanson and Donovan confirm the settlement but decline to comment.

— By Charles Toutant



TWO-PRONGED EFFORT: John Baldante, above, whose client was severely injured when an air tank exploded, sued the manufacturer and an association that ran a fair where the product was sold.

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