

## Tire dealer gets \$225,000 from jury in hand mishap

A U.S. District Court jury yesterday awarded a \$225,000 judgment to a local tire dealer for damages to his hand incurred in a 1975 accident with a tire buffing machine.

James A. DeVito, 57, of 1575 Boston Avenue, owner of the A and J Tire and Rubber Company in Stratford, was granted the judgment after the jury deliberated nearly two days.

The jury found both the buffer's manufacturer, the Cahill Manufacturing Company of Danville, Va., and its salesman, Burt Schwarz — S and H Inc. of Tarrytown, N.Y., guilty of selling a defective product under the strict liability law.

Schwarz, however, was held to be indemnified by the jury, placing the complete burden of payment of the judgment on the manufacturing firm.

During the four-day trial last week, DeVito's lawyers, Sigmund L. Miller and Harold L. Rosnick, had argued DeVito's tire recapping company, then called D and M Tire and Recapping Company, had been sold a Cahill buffing machine by Schwarz that did not have proper safety features.

They maintained DeVito's left hand had been irreparably damaged in an accident with the machine June 17, 1975 that could have been avoided if the machine had been equipped with the proper safety guards.

DeVito had testified that he had been following written and verbal instructions given to him by the defendants for the operation of the buffer at the time of the accident.

Defense lawyers Richard F. Oburchay and Dion

W. Moore argued that the machine was not defective and met required safety standards.

They maintained that DeVito also should have taken necessary safety precautions under the federal Occupational Safety and Health Act for the use of the buffer in his shop.

The jury found the defendants liable for DeVito's injury, however, and awarded him the settlement around 5:30 p.m. yesterday.

He had requested \$500,000 in his suit and will have to take \$43,174 of his judgment money to reimburse his workman's compensation insurance firm for money paid to him following the accident under a previous agreement.