

## Fatal Crane Accident Leads to \$4.4 Million Settlement

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The family of a man crushed to death in a crane accident has settled for \$4.4 million a suit against the manufacturer, the seller and the installer of the crane's control system.

In September 1998, Gary Yankosky, a Bethlehem Lukens Steel employee, was preparing a load of steel plates for shipment. Yankosky had remote control transmitters for two overhead cranes, No. 144 and No. 150.

According to the pre-trial memo from Yankosky's estate, while he was using crane 144, which was equipped with the Robinson Crane Boss radio remote control transmitter system, the Crane Boss system malfunctioned, causing crane 144 to move uninitiated, pinning Yankosky between a stack of steel plates and a pack lifter, a metal arm used to move and lift heavy items.

Yankosky's co-worker found him between the steel plates and the pack lifter, with the crane applying pressure in a westerly direction. The co-worker attempted to operate the remote control in order to move the crane, but, according to the pre-trial memo, the crane did not respond. A second co-worker then arrived on the scene and turned the remote control to the "off" position, causing the crane to move eastward. Yankosky then dropped away from the pile of steel plates.

Yankosky was transported to Montgomery Hospital, where he was later pronounced dead from suffocation, and brain and cardiac injuries, according to the pre-trial memo.

Linda Yankosky, on behalf of her husband's estate, filed a wrongful death and survival action, naming as defendants Robinson Engineering, and Pollock Research and Design Inc., which installed the receiving unit that Robinson Engineering manufactured. Robinson then joined

National Semiconductor, the designer of a chip within the transmitter that controlled the east-west movement of the crane.

[Tom R. Kline](#) of Kline & Specter represented the plaintiff. Joel J. Feller and Peter M. Newman assisted Kline.

According to the pre-trial memo, tests performed on the remote controls transmitter revealed a malfunction that caused the crane to move unexpectedly and a broken segment on the transmitter's circuit board that prevents the board from filtering out uninitiated signals. The control was also operating at low battery voltage, which caused the transmitter to emit errant signals to the crane.

When working normally, the remote control functions when a control lever is moved, which causes the generation of a digital electronic signal. The signal is converted into a radio signal that is sent to a receiver on the crane, which moves in three directional axes: north-south, east-west, and vertically, according to the pretrial memo.

The digital signal for control of movement is delivered in a forward or reverse pulse, up to six pulses per signal. According to the memo, seven pulses are never generated unless the system fails, but, the receiving equipment on the crane was designed to prevent movement from an erroneous signal.

In 1996, Robinson Engineering Co., the manufacturer of the Crane Boss 400, redesigned the system, replacing existing diodes with an EPROM, or Erasable Programmable Read-Only Memory, a chip that can be programmed and erased multiple times. The EPROM had an operating range between 4.5 and 5.5 volts. But, according the memo, Robinson admittedly believed the device would operate in a three- to six-volt range.

In 1998, Robinson put an EPROM control lever module in the transmitter Yankosky used at the time of the accident but allegedly did not notify Bethlehem Lukens that the transmitter had been redesigned and retrofitted.

Robinson also redesigned, and then installed, a new coder board in the transmitter that had an operating range of two to six volts in anticipation that a lower voltage lithium battery would eventually replace the existing nickel cadmium battery that powered the transmitter with an operating voltage of 4.8 volts.

The decoding unit on crane 144 included a printed circuit board manufactured with conductive circuits printed on the board that widen at various locations where holes are drilled through the board for the attachment of electronic components. Robinson, the memo says, had no protocol for testing or inspecting the board, neither did it have a battery charge or voltage level indicator re-charger that would have shut down transmission in case the remote control began sending out unintended signals due to low battery levels.

According to the memo, the decoder board received and processed the unintended signal, and, because of an open circuit, was unable to filter out the signal.

"The Crane Boss 400 system had a combination of design and manufacturing defects that caused the trolley to move without activation of the controls, trapping and crushing Gary Yankosky," the memo reads. "Robinson failed to design and manufacture the transmitter with an indicator or gauge to warn the operator that the battery voltage had decreased below a safe level."

But, according to George Vinci of Spector Gadon & Rosen and attorney for Robinson, the open circuit was not the fault of Robinson. He said the equipment had operated properly for 10 years.

According to James F. Hahn Jr., an engineering expert for the plaintiff quoted in court papers, the system was defective because the battery power supply system lacked a battery charge level indicator or voltage level indicator, and because a transmitter control operated at a voltage level outside of its range, a transmitter coder assembly lacked a low-voltage shutdown circuit and a decoder circuit board had a broken segment.

Linda Yankosky also filed a pain and suffering claim, as supported by Sara Funke, the pathologist and medical examiner who performed Yankosky's autopsy. Funke opined that Yankosky experienced a period of conscious pain and suffering before he died. While he was being crushed, she said, several ribs broke, his eyes bled, he was unable to breathe and his skull was fractured.

"Mr. Yankosky would have been aware of the pain associated with the fractures of his skull," she said. "In my opinion . . . based on these post mortem findings, and to a reasonable degree of medical certainty, Mr. Yankosky experienced conscious pain and suffering . . . [including] air hunger and fear of impending death."

A claim for economic losses said that Yankosky earned \$73,000 a year when he died at the age of 46. According to an economic expert for the plaintiff, economic losses for his family ranged from \$1.3 million to \$2.3 million.

The case settled five days before jury selection was set to begin. Robinson Engineering will pay \$500,000, Pollock Research will pay \$3.7 million and National Semiconductor will pay \$200,000 toward the agreement.

"Like many of the industrial accidents and construction site accidents which our firm has handled recently, in this case there was a genuine effort made on the eve of trial by all of the parties and insurers to resolve the case. . . . The parties were able to reach a settlement, which, in my view, approximated the jury value of the claim," Kline said.

Eugene J. Maginnis Jr. of Dugan Brinkman Maginnis & Pace represented Pollock Research. John J. Delany III of Delany & O'Brien represented National Semiconductor. Neither returned a telephone call seeking comment by press time.

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