

Widow files wrongful death lawsuit over allegedly faulty tire equipment

by Nicholas Malfitano | Jun. 6, 2018, 9:20am



PHILADELPHIA - The widow of a man fatally struck by a piece of tire removal equipment has filed a survival and wrongful death lawsuit on his behalf, against his former employer and the companies that manufactured the equipment in question.

Ivette Yolanda Montanez-Torres (individually, in her own right and as administratrix of the Estate of Javier Rodriguez Febles) of Philadelphia filed suit in the Philadelphia County Court of Common Pleas on May 21 versus Dooling Brothers, LLC, Dooling, P.J. Tire Company, Inc., Evan's Welding Service, Inc. and Ace Welding Service, Inc. (doing business as "Ace Welding"), also all of Philadelphia, and Excel Hydraulics, LLC of Clarksboro, N.J.

At the time of the events in question, Javier Rodriguez Febles was an employee of McCarthy Tire Service Company, who leased a tire and storage facility from Dooling Brothers and/or P.J. Dooling, located at 2820 East Tioga Street in Philadelphia. The Dooling defendants owned the property and some associated equipment, according to the lawsuit.

On June 9, 2017, McCarthy Tire purchased the Dooling defendants' assets, which they were told were "in reasonably good and serviceable operating condition and repair," the suit claims.

Exactly eight months later, Febles and his co-worker Hector Rosa, were preparing to remove a solid, rubber tire from a rim, utilizing a Rite Ram Tire Press, which, upon information and belief, was purchased, maintained and serviced by Dooling Brothers and/or P.J. Dooling. Febles and Rosa placed a tire, still on the rim, onto the Tire Press, and then placed a Tire Cage on top of the tire, in order to push the tire off the rim, the suit says.

The Tire Press was equipped with a ram on the end of a hydraulic piston, used to press down onto the Tire Cage and accomplish that task, the suit says.

"As Febles and Mr. Rosa used the Tire Press, which exerts over 100,000 pounds of pressure, to push the Tire Cage onto the tire and remove it from the rim, the Tire Cage fractured, exploded, and burst into three pieces. Febles was struck in the chest and/or head with a piece of the Tire Cage, suffering severe and catastrophic injuries. Febles succumbed to his injuries as a result of the incident on Feb. 9, 2018. Febles was conscious and endured conscious pain and suffering before succumbing to his injuries," the suit says.

For counts of survival and wrongful death against all defendants, the plaintiff is seeking damages in excess of \$50,000, together with costs, interests, compensatory damages and all other damages allowed by law.

The plaintiff is represented by Kenneth F. Fulginiti and Sarah F. Dooley of Duffy & Partners, in Philadelphia.

Philadelphia County Court of Common Pleas case 180502055

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