

# Judge OKs mechanic's \$75M suit against equipment company

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An explosion at a Mariners Harbor repair shop three years ago badly burned a New Springville man, put him in a coma for six weeks and cost him his career as a mechanic.

But the picture has brightened for Tamer (Tim) El Sheikh, as a Staten Island judge has ruled that he can proceed with his \$75 million lawsuit against the manufacturers of the equipment he was using.

State Supreme Court Justice Judith R. McMahon has denied a motion to dismiss by SCC Pumps Inc., which made an electric motor that allegedly ignited diesel fuel in a temporary holding tank where El Sheikh and another colleague were working.

The judge ruled a jury should decide whether or not SCC Pumps had placed adequate warnings on the 110-volt motor and if it was designed defectively.

No trial date has been set.

"It's a very sound ruling," Marc Reibman, El Sheikh's Brooklyn-based lawyer, said yesterday. "Products-liability law is always complex and her analysis is extremely thorough."

A lawyer for SCC Pumps did not immediately return a telephone call yesterday seeking comment.

El Sheikh, 32, was transferring contaminated diesel fuel from a truck's tank to a rectangular container on wheels

called a "LowBoy Oil Drain" Pumps and placed it within when the blast occurred on the LowBoy's cavity.

June 11, 2003, inside Staten Island Diesel Power Systems. El Sheikh worked for the company, which had a large one-room shop in a warehouse on Davidson Street inside the former Bethlehem Steel shipyard.

The apprentice mechanic suffered third-degree burns over 40 percent of his body, was placed in a medically induced coma for six weeks and underwent multiple skin grafts, court papers said. He has been unable to return to work.

"He's not doing well," Reibman said yesterday when asked about his client's condition and mental status. "The guy loved being a mechanic. It was his dream."

According to court papers, Chem-Tainer Industries Inc., a co-defendant and the manufacturer of the LowBoy, had bought a pump from SCC

was not spark-proof and was being marketed to pump used oil, which often contains flammable gasoline and diesel fuel.

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The pump was designed to drain used motor oil, not diesel gasoline, and SCC Pumps said it had placed a warning decal on the unit stating "Not for use with flammable, explosive or combustible liquids." The sticker, however, was obscured when it was placed inside the LowBoy, and El Sheikh alleged the warning should have been more prominently posted on the pump's electric cord.

An engineer alleged the unit was defective because it