

IN THE STATE COURT OF FULTON COUNTY, GEORGIA

MARY GREEN, individually and)
as the personal representative)
of the ESTATE OF JIMMY GREEN,)
)
Plaintiffs,)
)
)
v.)
)
BOT-LIFT, INC.,)
)
Defendant.)

FACTS

The following facts will govern the trial in this matter:

1. On August 31, 2023 a fatal accident occurred at a large warehouse facility located in the Atlanta, Georgia suburbs. XYZ CORPORATION owned the warehouse which was attached to a large production facility. At the time of the accident, an outside independent construction contractor, Jimmy Green, was working for his employer, LIGHTCO, in an elevated work platform and tragically killed after being fully impaled through the torso by the pallet fork of a robotic forklift, otherwise known as autonomous guided vehicle (“AGV”). The AGV was manufactured by BOT-LIFT, INC.
2. The AGVs that were manufactured and designed by BOT-LIFT and in use at XYZ were fully compliant with all applicable industry design standards for AGVs at the time of their sale to XYZ in 2012; the AGVs were battery-powered and remote-controlled by a software system that was overseen by XYZ and could also be controlled by BOT-LIFT personnel. The software system precisely mapped where AGVs travelled inside the warehouse and also the precise location and dimensions of all palletized products that the AGVs were picking and depositing within the warehouse.
3. Dimensionally, the AGVs are about 14 feet high (including the mast) and 4 by 4 feet wide with a large, brightly-colored yellow battery cabinet; the AGVs have standard protruding pallet forks that face the trailing edge of machine in its primary direction of travel. When the AGV moves to pick up a pallet, the AGV would rotate and lead with its forks first. Before rotating to perform a pick and travel with its forks first, the AGV would first pause for 1 second and sound a distinct alarm and activate mounted strobe lights for 3 seconds.
4. BOT-LIFT designed the AGVs with various sensors on the front, back and sides that would detect objects in the AGV’s path and, if detected, immediately stop all machine movement. However, BOT-LIFT designed the sensors on the fork side of the AGV to de-activate as the lift was traveling forks first to pick up a pallet; otherwise, the AGV sensors would detect the pallet and stop the AGV, preventing the AGV from ever performing the intended pick.

5. In 2012 XYZ purchased a fleet of 30 AGVs from BOT-LIFT for its massive warehouse operation 11 years prior to the date of the 2023 accident. Not once during AGV operations at the XYZ warehouse had there been a personal injury accident involving AGVs but the AGVs had previously collided with suspended objects on at least two occasions causing limited property damage.
6. BOT-LIFT designed, tested, and manufactured the AGVs sold to XYZ. The AGVs moved palletized products from XYZ's production lines to intermediate storage areas in the warehouse and later to staging areas where the palletized products would be loaded onto truck trailers using separate manned forklifts.
7. BOT-LIFT provided various written instructions to the end user, XYZ, at the time the AGVs were sold and installed in the XYZ warehouse in 2012. Part of the instructions provided to YXZ indicated the following:
 - **DO NOT USE MOBILE ELEVATED WORK PLATFORMS IN THE PRESENCE OF AGVS.**
 - **PROVIDE ADEQUATE TRAINING TO PERSONNEL AROUND AGVS INCLUDING SHOWING THEM A 20 MINUTE SAFETY VIDEO DETAILING THE OPERATION AND SAFETY FEATURES OF THE LGV.**
8. On the AGV itself, there were no labels or warning decals indicating that the sensors would be turned off on the fork side of the AGV as it was performing a pick.
9. The AGVs in the XYZ warehouse operated on pre-determined pathways and were directed by software designed and developed by BOT-LIFT and linked to XYZ's production and shipping software. Both BOT-LIFT and XYZ had control over the software directing the AGVs within the warehouse and could remotely shut down any or all AGVs from any warehouse location. Both BOT-LIFT and XYZ could stop AGV traffic or re-direct AGV traffic as needed within the warehouse and lock-out designated warehouse areas from AGV traffic.
10. As part of its contract with XYZ, BOT-LIFT also provided on-site maintenance support for the fleet of AGVs. Two BOT-LIFT employees were stationed inside the XYZ warehouse at all times to provide fleet maintenance for the AGVs. The BOT-LIFT maintenance employees observed the operation of the LGVs and worked with XYZ warehouse personnel but never with outside contractors.
11. One week before the accident, XYZ hired Jimmy Green's employer, LIGHTCO, to perform an LED lighting project upgrade within the ceiling of the warehouse that required the contractor to utilize a mobile elevated work platform or boom lift to access lighting fixtures and wiring.
12. Given huge production demand for XYZ's products at the time, XYZ decided to operate the warehouse at full capacity while LIGHTCO's personnel performed its overhead light replacement work.
13. XYZ knew that LIGHTCO would utilize a mobile elevated work platform for its lighting installation work. XYZ required LIGHTCO to utilize a human spotter while operating the elevated work platform in the warehouse. One XYZ supervisor provided 15 minutes of oral instruction to Jimmy on the AGV's safety features and sensors before Jimmy and his spotter commenced their work. XYZ instructed Jimmy that he could use orange traffic cones as

protective devices to prevent AGV encroachment in their work area. The cones would be detected by the AGV sensors to provide a safety perimeter around their workspace. XYZ also instructed Jimmy and his spotter that any time LIGHTCO wanted a portion of the warehouse shut down from AGV traffic they merely needed to ask certain designated XYZ employees to do so and the XYZ employees would use the software program to immediately lock-out that location.

14. For three days prior to the accident, Jimmy and his spotter, Billy, successfully rewired the lighting in the ceiling of the warehouse without incident, working directly alongside the full fleet of the working AGVs.
15. On the final day of the project, Jimmy lowered his boom lift man basket in an active pick zone bay and hovered above warehouse floor while his spotter went to obtain some new light fixtures to install in the ceiling. For less than half a minute, Jimmy had his back to the AGV traffic in the warehouse and was looking at his phone while waiting for his spotter. Neither Jimmy nor his spotter put traffic cones around their area to protect themselves from AGV traffic nor did they alert XYZ that they was in an active AGV pick location.
16. At this same time, an AGV traveled down the adjacent aisle and past the location where Jimmy was hovering in his boom lift man basket and then rotated into the pick zone bay, where it attempted to pick two second-level pallets that were located several feet beyond where Jimmy was hovering in his man-basket. At this point the sensors on the AGV were turned off to allow for the pick.
17. Jimmy did not notice the AGV approaching from behind him and was fully impaled by the left-most fork on the AGV. The impalement went through his torso and damaged several organs including partially transecting his inferior vena cava. While he immediately began to lose substantial quantities of blood he was conscious for at least 20 minutes as rescue personnel determined how to remove the fork from his body without causing him further injury.
18. Ultimately, rescue personnel backed the AGV and fork out of Jimmy's torso and back. At that point, Jimmy nearly bled out; he was transported to the hospital but despite valiant efforts to save his life he ultimately succumbed to his injuries.
19. BOT-LIFT had one prior accident in 2010 involving this same AGV where an individual leaned in the path of the AGV as it was entering a warehouse shelving rack and the individual was pinned against the rack and killed.
20. In 2020, medallion pendant technology became feasible for use with this AGV. The pendant technology allowed warehouse employees or contractors to wear medallion pendants around their necks while on the warehouse floor. Through a radio signal, the medallion pendant would alert and shut down an AGV that came near it. The medallion pendant technology would work in conjunction with existing sensors on the AGV. While BOT-LIFT had developed and produced this technology for its later model AGVs, it did not retrofit the AGVs at the XYZ warehouse prior to the 2023 accident.
21. Shortly after the accident, Jimmy Green's spouse commenced a wrongful death and survivor lawsuit against BOT-LIFT alleging that the AGV was both defective in design and warnings which caused Jimmy's death.

