

[Products Liability Law Daily Wrap Up, DESIGN AND MANUFACTURING DEFECTS—INDUSTRIAL AND COMMERCIAL EQUIPMENT—E.D. Mo.: Lack of evidence showing defect at time of manufacture foiled machine operator's product liability suit, \(Dec. 10, 2018\)](#)

Products Liability Law Daily Wrap Up

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By Kathleen Bianco, J.D.

Product liability claims against the manufacturer and a component supplier of a tube forming machine failed as a matter of law in the absence of evidence that the machine or the component part was defective at the time of manufacture, a federal district court in Missouri held ([Farkas v. Addition Manufacturing Technologies, LLC](#), December 7, 2018, White, R.).

A worker employed as a tube fabricator sustained severe injuries to the fingers on his left hand while operating the machine at issue, which was equipped with after-market clamp blocks. The machine also was equipped with a foot pedal instead of a two-hand control and it lacked a light curtain. When originally manufactured, the machine had included an operation guard that was designed to keep the operator's fingers from entering the machine. The operation guard was allegedly modified by an unknown third party after the machine had been introduced into the stream of commerce. The injured worker filed suit against the manufacturer of the machine and the supplier of the block clamps, asserting claims for strict liability and negligence based on design defect and failure to warn. The manufacturer challenged the testimony of several of the worker's expert witnesses and both the manufacturer and the component supplier filed motions for summary judgment.

Expert witness testimony. The manufacturer's challenges to the worker's expert testimony were denied in part and granted in part. The court granted the challenge as to the testimony of witnesses related to causation of the worker's open and obvious injuries, opining that the "sudden onset doctrine" eliminated the need for expert opinions on the worker's hand injuries. However, the court did assert that any alleged injuries that were not obviously connected to the crushed hand, such as the worker's left shoulder injury, would require an expert opinion and report.

Summary judgment. As to the claims against the component supplier, the court determined that summary judgment was appropriate because the supplier merely provided a non-defective component part and was not involved in the design or manufacture of the equipment, nor had it been engaged to evaluate the safety of the machine or to incorporate any safety devices.

Regarding the equipment manufacturer, the court concluded that summary judgment was warranted because the injured worker failed to establish that the machine was unreasonably dangerous for its intended purpose at the time it was placed into the stream of commerce. The evidence failed to establish that the foot pedal design violated industry standards or that the point-of-entry guard equipped on the machine when it was manufactured failed to make the machine safe. In the absence of such evidence, the injured worker failed to establish valid product liability claims.

The case is No. [4:17-CV-761 RLW](#).

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Companies: Addition Manufacturing Technologies, LLC f/k/a McKee-Addision Tube Forming, Inc.; Overton Industries, Inc.

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