

**Products Liability Law Daily Wrap Up, EVIDENTIARY ISSUES—
INDUSTRIAL AND COMMERCIAL EQUIPMENT—W.D. Mich.: Robotics
supplier not liable for worker’s death in industrial accident, (Aug. 28, 2019)**

Products Liability Law Daily Wrap Up

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By Susan Engstrom

Plaintiff’s admission that the company’s products were not involved in the incident at issue precluded the need for formal discovery.

In an action stemming from the death of a robot-maintenance worker in an accident at an automotive factory, the personal representative of her estate could not sustain product liability claims against one of the plant’s robotics suppliers, a federal district court in Michigan ruled. The representative acknowledged that none of the supplier’s products had been involved in the accident, and he failed to establish how discovery might lead to a viable claim. Moreover, the evidence indicated that the supplier had trained the worker only on its own products, and not on those of other companies. Thus, although no formal discovery had taken place, the supplier was entitled to summary judgment (*Holbrook v. Prodomax Automation, Ltd.*, August 26, 2019, Maloney, P.).

The decedent had worked as a journeyman maintenance technician at an automotive plant. As part of her job, she performed maintenance on robots used to manufacture chrome-plated plastics, bumpers, and trailer hitches. On the day of the accident, she was working in the "100" cell of the weld department. According to an incident report issued by the Occupational Safety and Health Administration of Michigan’s Department of Licensing and Regulatory Affairs, the worker’s head was crushed between two parts when a robot from one work area entered the area in which she was working on another robot. The report contained allegations that the "lockout" function had not been engaged prior to the incident.

The personal representative of the worker’s estate filed suit against several companies that allegedly manufactured the robots, robot controllers, robot tooling, part fixtures, welding process equipment, and/or safety devices within the "100" cell of the factory. He asserted product liability claims under theories of design defect/negligent design, manufacturing defect, breach of implied warranty, and failure to warn. In the current case, one of the named defendants, Nachi Robotic Systems, Inc., moved for summary judgment on the representative’s claims.

Involvement in the accident. In support of its motion, Nachi Robotics relied on an affidavit from one of its controls engineers, who stated that he personally inspected the "100" cell and the surrounding area where the accident had occurred and found that none of the robots or machinery involved in the incident had been manufactured, sold, installed, designed, tested, serviced, altered, or provided by Nachi Robotics. He averred that the company "had no involvement in the use or maintenance of the machines or robots at issue."

The representative opposed Nachi Robotics’ motion on the ground that he had not been afforded "the opportunity to verify the extent of Nachi’s involvement through the discovery process, particularly as it relates to safety training on the equipment at issue." However, he acknowledged that none of Nachi Robotics’ machines were present in cell 100, and he failed to indicate how discovery would lead to a viable claim against the company. He argued nonetheless that even if most of his claims could not be sustained, a few of them—including his failure to warn claim—were still viable.

In the court’s view, this situation was one of the extraordinary circumstances in which a summary judgment motion could be granted prior to formal discovery, given that the representative admitted that none of Nachi’s machines were in the area of the accident. He also failed to identify any authority suggesting that a plaintiff could maintain a product liability claim when the defendant’s product was not at all involved in the accident. If

none of Nachi Robotics' products were involved, it had no duty to warn the worker, the court instructed. The representative also failed to establish that the training Nachi Robotics had provided to the worker would provide the basis for a claim, as the documents in the record indicated that the company had trained her on its own products, and not on those manufactured by other entities. Accordingly, Nachi Robotics' motion for summary judgment was granted.

The case is No. [1:17-cv-219](#).

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Companies: Prodomax Automation Ltd.; Nachi Robotic Systems, Inc.

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