Products Liability - Overturned Vehicle - Failure to Warn

By: dmc-admin   November 20, 2000

Type of Action – Product liability – personal injury

Injuries – Broken back, ruptured spleen, collapsed lung, multiple other internal injuries

Name of Case – Griffin v. Cushman Industries and Ransomes America Corporation

Court/Case No. - United States District Court for the Eastern District of Virginia, Alexandria Division – Civil Action No. 99-1561-A

Tried Before – Jury

Name of Judge – Judge Gerald Bruce Lee

Special Damages – $170,000

Amount – $964,000 via award

Date of Verdict – May 17, 2000

Demand – Plaintiff proposed high/low of $100,000/$450,000 – defendants rejected with no counter

Highest Offer – None

Plaintiff's Experts – Michael Leshner, professional engineer, Columbia, Md.

Insurance Carrier – ACE American Insurance Company and ESIS

Attorneys for Plaintiff – Meryl M. Hershman and Benjamin J. Trichilo, Fairfax

Other Useful Information – Griffin, a golf course maintenance worker, sustained multiple injuries while operating a three-wheel Cushman Turk Truckster on flat ground when the Truckster overturned and landed on top of him. Plaintiffs maintained the vehicle lacked lateral stability, that defendants failed to properly test the vehicle in accordance with strict commercial testing (ANSI) standards, and that defendants negligently failed to warn users of the dangers of operating the vehicle. Plaintiff's expert testified that the product was defectively designed and lacked lateral stability, that the product warning label on the vehicle and in the operator's manual was insufficient to warn of the danger of vehicle lateral instability, that the manufacturer therefore was negligent, and lastly, that the manufacturer had produced no evidence that it conducted the required safety tests and that the vehicle met the ANSI safety standard. Defendant's Rule 50 and Rule 59 motions were denied. Extensive review of the application of *Ogelsby v. GM Corp.*, 190 F.3d 244 (1999 4th Cir.) was considered by the Court.

[00-T-291]