

White and Williams Catastrophic Loss Team Achieves Summary Judgment for Pet Retailer

3.26.20

A White and Williams catastrophic loss defense team led by Bob Devine, with assistance from Jim Burger and John Orlando, obtained a rare summary judgment in a \$30 million failure to warn case listed for trial in Philadelphia County for a retail pet store.

The case, which garnered significant media attention with high-profile plaintiff lawyers, involved issues concerning the sale of ferrets, focusing on retail-level warnings appropriate for such sale. Plaintiffs were demanding \$30 million after a ferret, sold by our client, bit an infant's face and were seeking compensatory and punitive damages claiming the ferret was sold with negligent warnings and misrepresentations; Plaintiffs also included theories of intentional tort and ultra-hazardous liability. Moreover, Plaintiffs were demanding that the store cease all sales of ferrets nationwide.

Any case involving an injury to an infant is heartbreaking, and this case was indeed tragic given the extreme loss of facial tissue. However, the extensive and focused discovery completed by the White and Williams team showed very clearly that the pet store acted correctly and poor decisions by the parents sadly caused the child's injury. The focused and thorough discovery completed by the team included many depositions that honed in on the actions of the parents and their knowledge of their pets, as well as the development of human factors and psychology experts regarding the efficacy of warnings given. Further, the team focused discovery on social media issues and completed extensive work into the known background and breeding methods for ferrets. The record had been further developed through expert witness proofs in the fields of human factors, animal behavior, zoology and psychology defining the duties for pet stores. A compelling Motion for Summary Judgment was thereafter completed and granted by the Court.

Although summary judgments are rarely granted in Philadelphia County, the compelling evidence and the thorough presentation lead the Court to enter judgment in favor of the firm client. Thankfully, now, several years after the incident, with the help of our excellent children's hospital, the child is doing much better.

