

Subrogation Department Defeats Motion for Summary Judgment

Chris Konzelmann and Bill Doerler, respectively Partner and Counsel in the Subrogation Department, recently collaborated to defeat a defendant's Motion for Summary Judgment in a products liability case. The case involved an alleged defect in an uninterrupted power supply (UPS) that caught fire. The plaintiff's product liability claims were based on the UPS not having protective devices required to prevent the UPS from causing a fire. On behalf of the subrogating insurers, Chris argued that although the UPS purportedly met UL standard 1778, because the UPS also acted as a surge protector, it had to meet the UL requirements for UL 1449. The court agreed with the plaintiff's counsel that there was sufficient evidence for a jury to conclude that the UPS failed during normal operation and that the product malfunctioned despite its age. Thus, the court denied the defendant's motion.