



## Third Circuit Dismisses Defect Suit Against Group of Equipment Manufacturers

5.2.22

The United States Court of Appeals for the Third Circuit recently affirmed the grant of summary judgment made by the United States District Court for the District of New Jersey in a contested product liability case. The lawsuit involved a plaintiff who fell more than 37 feet from the roof of a barn allegedly as a result of a failed rope grab device manufactured by the client. A bolt within the device had been alleged to break causing the device to no longer capture the rope the plaintiff had been using improperly as a fall line. Following extensive depositions, expert witness discovery and motion hearings with respect to expert witness challenges, the District Court for the District of New Jersey struck the plaintiff's expert metallurgist finding that his opinion lacked the appropriate methodology and fit for the facts of the case. The plaintiff claimed a bolt within the micrograb snapped, but plaintiff's expert witness failed to delineate specific energy load, design specification for load allegedly violated, as well as any critical factually supported failure of the bolt which otherwise met all applicable.

After striking the plaintiff metallurgical expert witness, the court then granted summary judgment to the manufacturer client. The injuries presented included multiple orthopedic fractures, mild to moderate traumatic brain injury, and a total vocational disability, with items of special damages in excess of \$1 million and a multiple seven-figure demand.

The client was represented by Bob Devine and Jim Burger.

