

Demara v. The Raymond Corp.

California Ct. of Appeal, No. D068533, 4th Appellate District, July 18, 2017

Trial court's erroneous summary judgment ruling overturned, allowing warehouse employee injured by special order forklift to pursue products liability claim against manufacturer.

FACTS/PROCEDURE

Raymond Handling Solutions Inc. (RHSI) sold the special-order subject forklift manufactured by The Raymond Corp. for use at a warehouse. In 2011, Kawika Demara was walking through the busy warehouse while the lift was in use. As the lift was making a left turn in reverse, it ran over Demara's right foot, crushing it. Demara neither saw the lift nor its warning light prior to the incident. Demara sued Raymond for products liability, alleging strict liability and negligence. Raymond successfully moved for summary judgment.

DISCUSSION/HOLDING

Reversed and remanded. To recover under either a strict liability or negligence theory, the plaintiff must prove that the product's design was a substantial factor in causing the injury. In addition to causation, a strict products liability must also establish that the design of the product at issue was defective under either the consumer expectations test or the risk-benefit test. To prove a cause of action for design defect under either test, the plaintiff must establish that the product's failure to perform safely was a substantial factor in causing the harm.

Here, the trial court ruled, in part, that Demara failed to establish a triable issue of fact as to causation. However, Raymond presented no evidence or inferences suggesting that the forklift's design was not a substantial factor in causing Demara's injury. Moreover, Demara's causation showing was "more than negligible or theoretical" and was, thus, sufficient to defeat summary judgment. Overall this court overturned the judgment and the trial court's determinations regarding the consumer expectations test and the risk-benefit test.