

A Win For Claims Against Product Manufacturers: California Court of Appeal Rules That, In Strict Liability Case, A Plaintiff Need Only Make a Prima Facie Showing That The Product As Designed Was A Substantial Factor

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Very often, in injury cases, particularly ones involving construction sites, a Plaintiff suing a manufacturer of industrial equipment will have failed to comply with safety guidelines, safety rules, and even common sense. The question, of course, is: What is the test for liability against a manufacturer of heavy equipment when the injured employee may have caused the accident?

In the case of Raul Camacho v. JLG Industries, Inc. (2023) Westlaw 4618687 ("Camacho case"), the California Court of Appeal, Fourth District, ruled that a Trial Court incorrectly granted a directed verdict in favor of the manufacturer of a scissor lift in a work site construction accident personal injury lawsuit. The accident occurred when Raul Camacho, Plaintiff, was installing glass panels, and he fell out of a scissor lift manufactured by JLG Industries, Inc. ("JLG"). Camacho failed to latch a chain that was designed to guard the lift's entrance. Camacho sued JLG Industries for strict products liability, failure to warn, and related claims.

At a jury trial, Camacho alleged the scissor lift as designed with the chain "invited" human error, and the foreseeable risk could have been avoided if JLG had marketed only its alternative design with a self-closing gate. At the close of evidence, the manufacturer moved for a directed verdict. The Trial Court granted the Motion, ruling that, in order to show causation, the Plaintiff needed to prove if the chain had been latched, the accident would have happened anyway.

On appeal, the California Court of Appeal, Fourth Appellate District, reversed, ruling that the proper standard would be whether the design of the scissor lift was a substantial factor in causing injury. The Court of Appeal reasoned that there was substantial evidence of causation, and that a jury could reasonably infer that JLG's scissor lift, as designed with a chain and no toe board, was a substantial factor in causing Camacho's injuries.

The Camacho case is helpful to Plaintiffs in products liability cases with substantial comparative fault on the part of Plaintiff. In that regard, the standard will not be whether the accident would have occurred anyway if the plaintiff had been non negligent but instead will be whether the design flaw was a substantial factor in causing the accident. Of course, in cases with very strong facts for a manufacturer, a Court clearly can rule that, based on the evidence, no reasonable jury would conclude that the design

was a substantial factor. Also, a manufacturer can still argue causation if it can show that, even with an alternate design, the accident would have occurred anyway.

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