



## Ankin Law Office LLC

Protecting the Rights of Injured Workers

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## Lawnmower Products Liability Case Considered by Federal Court in Illinois



The United States Court of Appeals for the Seventh Circuit of Illinois recently considered whether a [products liability lawsuit](#) involving an allegedly defective lawnmower could proceed under Illinois law.

In *Malen v. MTD Products, Inc.*, No. 08-3855, the plaintiff's foot was injured when he slipped off of his riding lawnmower and his foot was struck by the blade. He and his wife brought a products liability lawsuit alleging that his injuries were caused by defects in the design of the lawnmower. In part, he alleged that two different safety features failed to function, thus resulting in his injuries.

On appeal, the defendants argued that the plaintiff's own carelessness caused his injury, or, alternatively, that the lawnmower was not unreasonably dangerous or defectively designed.

The Court disagreed, concluding that the plaintiffs had met their burden of showing that there were issues of fact regarding causation and that the plaintiff's own actions were not necessarily the sole cause of the accident:

A jury could...conclude that the mower was unreasonably dangerous and that the absence of functional safety mechanisms was the proximate cause of Malen's injury. *See Black v. M & W Gear Co.*, 269 F.3d 1220, 1236 (10th Cir.2001) (applying Oklahoma law in concluding that evidence of plaintiff's alcohol consumption was irrelevant to show causation when plaintiff's claim that mower lacking roll-over-protection was not crash-worthy); *Free*, 983 F.2d at 866 n. 3 (applying Missouri law and stating that evidence of operator's intoxication is irrelevant in a strict tort liability action under crashworthiness doctrine). Whether or not Malen initiated a chain of events that ended with him being injured-by wedging the mower on the curb, attempting to rock it loose, and dismounting without cutting the engine-the crashworthiness doctrine obligated the defendants to foresee the potential for this type of accident. Thus, summary judgment for the defendants on this ground was improper.

Accordingly, the Court allowed the case to continue forward, thus allowing the plaintiffs the opportunity to prove to a jury that the defective design of the lawnmower caused Mr. Malen's serious injury.

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