



# Ankin Law Office LLC

Protecting the Rights of Injured Workers

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## Illinois Court Addresses Expert Testimony in Auto Defect Case

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Is the plaintiff required to offer expert testimony in an Illinois automobile products liability design defect case? In a recent case from the United States Court of Appeals, Seventh Circuit, the plaintiffs asserted that expert testimony was not required to prove their claim that a 1993 Ford Explorer was defectively designed and overturned easily because the vehicle's design was unstable. In that case, *Show v. Ford Motor Company*, Nos. 10–2428, 10–2637, the Illinois plaintiffs were injured when the Ford Explorer that they were traveling in overturned after being involved in a traffic collision that occurred at while the vehicle was traveling at low speeds.

The Court noted that there were two methods of proof available to plaintiff's in a design defect case: 1) the consumer-expectations test and 2) the risk-utility or risk-benefit test. After analyzing relevant Illinois case law, the Court concluded that, contrary to the plaintiffs' claims, in order to prevail on their design defect claim under the consumer-expectations approach, the plaintiffs were required to present expert evidence that the Ford Explorer failed to perform up to the safety expectations of an ordinary consumer.

The Court explained that regardless of the method of proof pursued by the plaintiff, expert testimony was required:

If, as plaintiffs concede, it takes expert evidence to establish a complex product's unreasonable dangerousness through a risk-utility approach, it also takes expert evidence to establish a complex product's unreasonable dangerousness through a consumer-expectations approach...Because consumer expectations are just one factor in the inquiry whether a product is unreasonably dangerous, a jury unassisted by expert testimony would have to rely on speculation...Design-defect litigation under Illinois law requires many additional questions to be resolved; consumers' expectations are just factors "included within the scope of the broader risk-utility test" (231 Ill.2d at 555, 327 Ill.Dec. 1, 901 N.E.2d 329); and the absence of expert evidence on these additional subjects, some of which we have mentioned, is fatal to plaintiffs' suit.

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In other words, the bottom line for plaintiff's attorneys in an [Illinois product liability design defect](#) case is that it's always a good idea to produce an expert to prove your case. And, the failure to do so could result in the dismissal of your client's case.

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