

# CALIFORNIA

## FRESNO OFFICE PREVAILS ON MOTION FOR SUMMARY JUDGMENT IN PRODUCTS LIABILITY CASE



On April 6, 2017, Plaintiff filed a lawsuit in Fresno County, CA for personal injuries that allegedly occurred on April 8, 2015 when Plaintiff fell from a ladder attached to the back of a frac tank. On the eve of trial in 2019, Plaintiff amended his Complaint to allege a cause of action for Strict Product Liability against the frac tank manufacturer, represented by attorney Carol Ann M. Seita. Plaintiff's expert alleged that the design and manufacture of the ladder violated relevant OSHA standards alleging that the distances between the bottom rung of the ladder and the bar immediately above were "dangerous" and not legally compliant. He further alleged that the angles from the bottom run of the ladder to the back of the trailer affixed to the frac tank were dangerous and defective.

In written discovery and at deposition, Plaintiff alleged that he suffered lumbar disc displacement, sprain of lumbar region, lumbar radiculitis, sprain of neck, headaches, ringing in his ears, and chest pain. He further claimed past and future wage loss in excess of \$800,000.00.

The subject frac tank was manufactured in 1991 and sold in 1998,

and the manufacturer no longer maintained and/or controlled the tank after 1998. Based upon this information, Ms. Seita filed a Motion for Summary Judgment on behalf of the frac tank manufacturer on the grounds that Plaintiff could produce no evidence that the ladder was dangerous and/or defective when it left the manufacturer's hands, and argued that Plaintiff could not establish through admissible evidence the alleged danger/defect caused his alleged injuries and damages

In Plaintiff's Opposition to the defendant manufacturer's Motion for Summary Judgment, Plaintiff argued that the manufacture of the ladder did not conform with OSHA standards, and was therefore defective. In reply, Ms. Seita argued that California OSHA standards only apply to employers and places of employment and therefore, it is the responsibility of the employer to ensure that working conditions comply with applicable OSHA standards.

During oral arguments, Plaintiff's counsel argued – for the first time -- that the manufacturer violated several federal regulations and cited cases supporting the relation back of these alleged violations to Plaintiff's claim. Ms. Seita, in turn, argued that the alleged federal regulation violations were inapplicable to the manufacturer. The Court took the matter under submission, and ultimately granted the defendant manufacturer's Motion for Summary Judgment as a matter of law.

Following the Court's ruling on defendant's Motion, Ms. Seita filed a Memorandum of Costs and her client was awarded \$19,768.73 in costs.



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