

MISSOURI

FLORIDA APPELLATE COURT AFFIRMS LOWER COURT'S ORDERS IN FAVOR OF DEFENDANT



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Bradley Hansmann and Daniel Hunkins successfully defended an appeal to the United States Court of Appeals for the 11th Circuit in Florida. After briefing by both parties, the 11th Circuit Court of Appeals affirmed the lower court's rulings in favor of their client, a recreational boat manufacturer. In the underlying case, Brad and Dan defended the manufacturer in a product liability claim following an accident in the Florida Panhandle; the case was removed to the United States District Court for the Northern District of Florida.

It was alleged that a design defect on an engine hatch caused the hatch to crash down on a technician's face resulting in a traumatic brain injury, crush injuries to his face, and orthopedic injuries to his shoulder and back. The plaintiffs were claiming millions in damages. Brad and Dan were able to get an order striking plaintiffs' experts, and ultimately summary judgment in favor of the boat manufacturer.

Plaintiff appealed both the Daubert and summary judgment orders. The United States Court of Appeals for the 11th Circuit issued an opinion thoroughly addressing both orders and the arguments by both sides. Relying on testimony obtained through cross-examination, the Court of Appeals affirmed the exclusion of plaintiffs' expert because there was an "unbridged 'analytical gap'" between what plaintiffs' expert observed and the opinion that the product was defectively designed and installed.

The Court of Appeals then affirmed that without expert testimony, summary judgment was "inevitable and inescapable" and "any argument to the contrary was frivolous or otherwise unsupported." The 11th Circuit Court of Appeals therefore affirmed the lower court's orders excluding plaintiffs' expert and entering summary judgment in favor of the boat manufacturer.