

## NEWS & INSIGHTS

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### LIGHTFOOT SECURES SUMMARY JUDGMENT FOR KENWORTH TRUCK COMPANY IN PRODUCT LIABILITY CASE

February 21, 2023

Lightfoot, Franklin & White LLC partners **Rachel M. Lary** and **J. Bradley Powell** obtained summary judgment on behalf of Kenworth Truck Company, a leading medium and heavy truck manufacturer, in a wrongful death product liability case in Oklahoma.

The plaintiff stated design defect claims arising from an accident involving the death of a 22-year-old man. The plaintiff sought millions in damages, alleging that the truck's seat belts and cab structure were defective and failed to protect the operator in the multi-rollover event.

In a motion for summary judgment, the Lightfoot team presented evidence that the truck's cab and seat belt system were state of the art and met all government and industry safety standards. We also showed that the driver was not wearing his seat belt properly, which resulted in his ejection from the cab of the truck. Though the plaintiff argued that an alternative cab structure and seat belt system would have prevented the driver's injuries, Lightfoot demonstrated that the significant forces involved in the rollover, coupled with the improper use of the seat belt, rendered any alternative design meaningless. As a result, the court found the plaintiff failed to present sufficient evidence that the truck was defective under Oklahoma law regarding consumer expectation, and granted summary judgment for Kenworth.

Lightfoot has extensive experience in the defense of sophisticated and complex product liability cases for a range of products, including automobiles, consumer goods, medical devices and pharmaceuticals.

In addition to defending truck manufacturers, Lary leads Lightfoot's product liability team for one of the largest automotive manufacturers, defending it against claims in ten Southeastern states and beyond. Her product liability work also includes defending a Fortune 500 company in high-stakes litigation across the country.

Powell is a product liability litigator with more than 25 years of experience. His practice focuses on defending product manufacturers in the heavy truck, automotive, aviation and pharmaceutical industries. He has defended clients in dozens of states, including difficult venues in Alabama, Arizona, California, Georgia, Illinois, Nevada, Pennsylvania, Texas and West Virginia.