

Defense wins appeal in major products case

Plaintiff appealed the defense verdict Dick Cogswell obtained in a major exposure product liability case (see summary of case above). The Court of Appeal recently affirmed the defense verdict.

Plaintiff had alleged various errors to support her appeal. Among other things, she claimed that the trial court had erred in failing to excuse jurors who were reluctant to serve; that the trial court had erroneously excluded evidence of a Mazda latch specification; that the trial court had erroneously refused to give a jury instruction on the consumer expectations test; and that the court had erred in disallowing plaintiff's attempt to call to rebuttal experts to rehabilitate her on issues of plaintiff's credibility.

The Court of Appeal found all of plaintiff's arguments without merit. It agreed that the trial court erred in not permitting plaintiff to call the two expert rebuttal witnesses, but found that the error was not prejudicial, and did not affect the outcome. The Court therefore affirmed the jury verdict.