

Product Liability – Ice Melt

SERVICES

Product Liability

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Scott M. Carroll

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Boyle | Shaughnessy Law shareholder Scott M. Carroll obtained a defense verdict after a two week jury trial in Providence County Superior Court in Providence, RI.

In this strict product liability action, the plaintiff alleged that while descending a stairwell she slipped and fell on an oily residue. The plaintiff asserted that the oily and slippery condition was caused by ice melt distributed and sold by the defendants. The plaintiff allegedly suffered a C5-6 disc herniation and AC tear in her right shoulder. The plaintiff underwent a C5-6 anterior cervical discectomy and fusion. At trial, she claimed that her injuries rendered her totally disabled and without a vocational capacity. The plaintiff presented evidence of \$294,000 in special damages.

Attorney Carroll and represented the distributor and retailer of a calcium chloride based ice melt product. The plaintiff claimed that the product was defective and unreasonably dangerous based on its hygroscopic properties. At trial, the plaintiff called an expert chemist who testified that when the product was tracked onto hard interior surfaces it absorbed moisture from the ambient air (hygroscopic) and caused a hazardous oily, greasy and slippery condition. The plaintiff argued that the allegedly defective and dangerous condition of the product was known to the defendants and that the defendants failed to warn of said dangers. The plaintiff called a human factors expert and a warnings expert to testify with respect to the failure to warn theory.

Counsel for the defendants successfully demonstrated that the product was not defective or unreasonably dangerous to end users. Through the testimony of defendant's expert chemist, it was demonstrated that there was no organic compound present in the molecular structure of the product that would give the product an oily feel. Further, the defendants successfully illustrated that the hygroscopic nature of the product was a property necessary to making the ice melt a useful and effective product. With respect to damages, counsel uncovered details of the plaintiff's pre-incident medical history during cross-examination of plaintiff's medical expert that supported the defense theory that the plaintiff's surgery was necessitated by pre-existing degenerative disc disease and not any acute injury attributable to the incident.