

Represented a Designer and Manufacturer of a Display Where an Individual Fell and Sustained a Fatal Traumatic Brain Injury

SmithAmundsen represented a designer and manufacturer of a display where an individual fell and sustained a fatal traumatic brain injury. The plaintiff (the estate of decedent) filed four counts against our client for strict product liability, negligence and survival, alleging that our client, as designer and manufacture of the display, created the display with defects and unreasonably dangerous conditions, failed to warn persons of the dangerous conditions, and failed to exercise reasonable care in the design and manufacture of the display. We filed a motion for summary judgment pursuant to the seminal case on proximate cause, *Kimbrough v. Jewel Companies, Inc.*, 92 Ill. App. 3d 813, 817 (1st Dist. 1981), arguing that the plaintiff was unable to offer any evidence or witness testimony as to how the decedent fell or what caused the decedent to fall. Therefore the plaintiff could not prove causal connection between any condition of the display and the decedent's fall so to establish our client's negligence.

PROFESSIONALS

Thomas J. Lyman, III
Partner

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