Lathrop Gage Obtains Trial Victory for Deere & Company

October 10, 2008

Member Peter Daniel (Tort litigation - Kansas City) led a successful legal team including associate Dan Cranshaw (Tort Litigation - Kansas City) on behalf of firm client Deere & Company, in a product liability lawsuit seeking in excess of a half million dollars arising out of an April, 2000 fire in Brighton Missouri. The Trial Court, the Honorable Robert Schieber, Jackson County, Kansas, entered judgment on behalf of Deere following a two day trial.

The plaintiff, Lumber Mutual Insurance Company, asserted its subrogation interest and the interests assigned to it by the insured entity, Missouri Stave, Inc. They alleged that a manufacturing defect in a battery installed in a John Deere Model 444G Four Wheel Loader caused a machine fire which spread to the stave mill and causing more than eight hundred thousand dollars in damage to the company's business.

Deere argued that the fire was caused by the insured's failure to keep the machine free of the highly combustible wood mulch, saw dust and other wood by products of the wood mill. Deere also argued that the alleged manufacturing defect could not have caused the internal battery fire advanced by the plaintiff's experts, and that the plaintiff and its representatives failed to preserve the fire scene and evidence and failed to provide adequate notice to Deere of the intent to investigate the cause and origin of the fire.

Mr. Daniel has practiced throughout his career in the field of product liability. He has also practiced extensively in the areas of premises liability and commercial litigation.

About Lathrop Gage:
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