

LOUISIANA COURT OF APPEAL, FOURTH CIRCUIT

Maximo Urbina v. Sunbelt Rental, Inc.

Urbina · No. 2025-CA-0261; consolidated with 2025-C-0214 · Decided January 21, 2026

SUMMARY

This document is a partial dissent by Judge Ledet in consolidated Louisiana appellate proceedings involving claims under the Louisiana Products Liability Act and negligence claims arising from an allegedly defective rental buggy. The dissent agrees with denying supervisory review of the design-defect ruling and reversing summary judgment on construction/composition defect and negligence claims, but would affirm summary judgment dismissing the failure-to-warn claims.

CASE DETAILS

COURT	Louisiana Court of Appeal, Fourth Circuit
WRITING FOR THE COURT	Ledet, J.
JURISDICTION	Louisiana Court of Appeal, Fourth Circuit
DECIDED	January 21, 2026
DOCKET	2025-CA-0261; consolidated with 2025-C-0214
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Maximino Urbina sought supervisory review of the trial court's denial of The Toro Company's motion for summary judgment on an LPLA design-defect claim. The consolidated appeal also challenged the trial court's grant of summary judgment concerning construction/composition defect, alleged negligence by Sunbelt, and failure-to-warn claims.
STANDARD OF REVIEW	Summary judgment is proper when no genuine issue of material fact remains and the mover is entitled to judgment as a matter of law; a plaintiff opposing summary judgment on a failure-to-warn claim must present factual support sufficient to establish a genuine issue of material fact.
PRECEDENTIAL VALUE	Published; dissenting opinion
PARTIES	Maximo Urbina, Maximino Urbina v. Sunbelt Rental, Inc., Sunbelt Rentals, Inc., Sunbelt Rentals Scaffold Services, LLC, Sunbelt Rentals Industrial Services, LLC, The Toro Company, Travelers Insurance Company

TOPICS

products liability

summary judgment

standard of review

appellate procedure

negligence

PRACTICE AREAS

products liability

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether summary judgment should have been reversed on Maximino Urbina's Louisiana Products Liability Act failure-to-warn claims.
2. Whether the evidence that ordinary wear and moisture could possibly lessen the handlebar grip's hold, together with the absence of a specific warning, created a genuine issue of material fact.

HOLDINGS

1. The dissent would affirm the trial court's grant of summary judgment dismissing the failure-to-warn claims because Urbina offered no factual support establishing that the handlebar grip was a damage-causing characteristic or that Toro's warnings and instructions were inadequate.

KEY QUOTATIONS

“A product is unreasonably dangerous because an adequate warning about the product has not been provided if, at the time the product left its manufacturer’s control, the product possessed a characteristic that may cause damage and the manufacturer failed to use reasonable care 1 to provide an adequate warning of such characteristic and its danger to users and handlers of the product.” (at 1)

“In opposing a Motion for Summary Judgment on a failure to warn claim, a ‘mere allegation of inadequacy’ is insufficient for a plaintiff to show they will be able to carry their burden of proof at trial.” (at 1)

“However, Mr. Urbina did not produce factual support sufficient to establish the existence of a genuine issue of material fact.” (at 2)

FACTUAL BACKGROUND

The product at issue was a buggy manufactured by The Toro Company, including a handlebar grip that allegedly loosened or slipped. Toro provided an operator's manual instructing users that only trained personnel should operate the buggy, and Maximino Urbina did not read the manual and had been instructed by his supervisor not to operate the buggy. The record indicated no prior incidents of the handle grip slipping off the handlebar, and Urbina presented no evidence that the grip constituted a damage-causing characteristic requiring a specific warning.

PROCEDURAL HISTORY

The trial court denied Toro's motion for summary judgment on the design-defect claim and granted summary judgment dismissing claims concerning construction/composition defect, alleged negligence by Sunbelt, and failure to warn. The majority reversed the grants of summary judgment, denied Toro's writ application, and

remanded. Judge Ledet agreed with denial of the writ and reversal as to construction/composition defect and Sunbelt negligence, but dissented from reversal of summary judgment on the failure-to-warn claims.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The majority remanded after reversing the summary-judgment rulings; the dissent would instead affirm the summary judgment dismissing the failure-to-warn claims.

CASES CITED

- Weiss v. Mazda Motor Corp., 54 So. 3d 724, 729 (La. App. 5 Cir. 2010)
- Stahl v. Novartis Pharmaceuticals Corp., 283 F.3d 254, 265 (5th Cir. 2002)
- Gruver v. Kroger Co., 54 So. 3d 1249, 1256 (La. App. 3 Cir. 2011)

OPINION

PER CURIAM.

MAXIMO URBINA * NO. 2025-CA-0261 VERSUS * COURT OF APPEAL SUNBELT RENTAL, INC., ET * FOURTH CIRCUIT AL * STATE OF LOUISIANA * * *****
CONSOLIDATED WITH: CONSOLIDATED WITH: MAXIMINO URBINA NO. 2025-C-0214
VERSUS SUNBELT RENTALS, INC., SUNBELT RENTALS SCAFFOLD SERVICES, LLC,
SUNBELT RENTALS INDUSTRIAL SERVICES, LLC, THE TORO COMPANY AND
TRAVELERS INSURANCE COMPANY RML LEDET, J., DISSENTING IN PART I agree with the majority’s decision to deny the writ application filed by The Toro Company (“Toro”), seeking supervisory review of the trial court’s denial of summary judgment on the Louisiana Products Liability Act (“LPLA”) design defect claim asserted by Maximino Urbina (“Mr.

Urbina”). I also agree with the majority’s decision to reverse the trial court’s grant of summary judgment regarding the claims against Toro for construction/composition defect and the alleged negligence of Sunbelt. But, I disagree with the majority’s decision to reverse summary judgment on Mr. Urbina’s failure to warn claims. La. R.S. 9:2800.57(A) provides: A product is unreasonably dangerous because an adequate warning about the product has not been provided if, at the time the product left its manufacturer’s control, the product possessed a characteristic that may cause damage and the manufacturer failed to use reasonable care 1 to provide an adequate warning of such characteristic and its danger to users and handlers of the product.

But, “[a] manufacturer is not required to provide an adequate warning about his product when... [t]he product is not dangerous to an extent beyond that which would be contemplated by the

ordinary user or handler of the product, with the ordinary knowledge common to the community as to the product's characteristics." La. R.S. 9:2800.57(B)(1).

The majority concludes that discussion by Toro's expert admitting that ordinary wear, as well as moisture, could possibly lessen the grip on the handle bar, coupled with the fact that Toro did not provide a specific warning about the grip loosening, presents a genuine issue of material fact. I disagree. "In opposing a Motion for Summary Judgment on a failure to warn claim, a 'mere allegation of inadequacy' is insufficient for a plaintiff to show they will be able to carry their burden of proof at trial." *Weiss v. Mazda Motor Corp.*, 10-608, p. 10 (La.

App. 5 Cir. 11/23/10), 54 So.3d 724, 729 (quoting *Stahl v. Novartis Pharmaceuticals Corp.*, 283 F.3d 254, 265 (5th Cir.2002)). See also *Gruver v. Kroger Co.*, 2010-689, p. 11 (La. App. 3 Cir. 2/2/11), 54 So.3d 1249, 1256. Toro provided an operator's manual, which instructed potential users and dictated that only trained personnel operate the buggy. Mr. Urbina did not read the manual.

Further, Mr. Urbina was instructed not to operate the buggy by his direct supervisor. The record connotes that there were no previous incidents of the handle grip slipping off the handle bar. Mr. Urbina did not present evidence that the handle bar grip was a potentially damage causing characteristic such that the warnings and instructions provided were inadequate or required a specific warning.

Toro successfully pointed out the absence of factual support for Mr. Urbina's failure to warn claims. However, Mr. Urbina did not produce factual support sufficient to establish the existence of a genuine issue of material fact.

As 2 no genuine issues of material fact remained, the trial court correctly granted summary judgment dismissing Mr. Urbina's claims regarding the failure to warn. Accordingly, I dissent in part. 3