

SUPREME COURT OF PENNSYLVANIA

Phillips v. Cricket Lighters

576 Pa. 644 (2003) (Pa. 2003) · Decided December 3, 2003

SUMMARY

The Supreme Court of Pennsylvania reviewed an appeal concerning claims arising from a fatal fire allegedly caused by a disposable Cricket lighter without a child-resistant feature. The court held that the strict-liability design-defect claim failed because the lighter was safe for its intended adult user, but the negligent-design and negligent-infliction-of-emotional-distress claims could proceed. It vacated the ruling on the implied-warranty claim for further explanation and addressed the parties’ summary-judgment arguments.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Cappy; Justice Castille; Justice Eakin; Justice Nigro; Justice Newman; Justice Saylor; Justice Zappala
JURISDICTION	Pennsylvania
DECIDED	December 3, 2003
DISPOSITION	other
PROCEDURAL POSTURE	Manufacturers and distributors appealed by allowance from the Pennsylvania Superior Court's partial reversal of summary judgment dismissing product-liability, negligence, negligent-infliction-of-emotional-distress, implied-warranty, and punitive-damages claims arising from a fatal fire involving a disposable lighter.
STANDARD OF REVIEW	Summary judgment is reviewed to determine whether there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; the record is viewed in the light most favorable to the nonmoving party, and appellate review is de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Swedish Match, S.A., Pinkerton Tobacco Company, Pinkerton Group, Inc., Pinkerton Group, Inc. t/a/d/b/a Cricket USA, Cricket, S.A., Poppell, B.V., Wilkinson Sword/Cricket, Inc., Wilkinson Sword, Inc., Universal Match Company a/k/a Universal Match Corporation, Swedish Match, A.B., Cricket, B.V., Inter-Match, S.A., Feudor, S.A. v.

Gwendolyn Phillips, Administratrix of the Estate of Robyn Jorjean Williams, Deceased, Gwendolyn Phillips, Administratrix of the Estate of Jerome I. Campbell, Deceased, Gwendolyn Phillips, Administratrix of the Estate of Alphonso Crawford, Deceased, Neil Curtis Williams, a Minor By His Guardian and Next Friend, Gwendolyn Phillips

TOPICS

products liability negligence duty of care summary judgment appellate procedure

PRACTICE AREAS

products liability negligence personal injury appellate procedure civil procedure

QUESTIONS PRESENTED

1. Whether the lighter could be defective under Pennsylvania strict-products-liability law when it was safe for its intended adult users but unsafe for a reasonably foreseeable child user.
2. Whether the trial court could grant summary judgment on the negligent-design claim solely because it granted summary judgment on the strict-liability claim.
3. Whether the negligent-infliction-of-emotional-distress claim survived when the trial court's only stated basis for dismissal was the failure of the negligence claim.
4. Whether the Superior Court properly reversed summary judgment on the implied-warranty claim without providing analysis.
5. Whether the Superior Court properly reinstated the punitive-damages claim based on its understanding that the trial court dismissed it solely because no other tort claims remained.

HOLDINGS

1. In a Pennsylvania strict-liability design-defect claim, the plaintiff must establish that the product was unsafe for its intended user; a manufacturer is not strictly liable for failing to design a product safe for every reasonably foreseeable user. Because the lighter was intended for adult users and was not shown to be unsafe for adults, summary judgment was proper.
2. A negligence-based design-defect claim cannot be rejected merely because the strict-liability claim fails; strict liability and negligence are distinct legal theories requiring separate analyses.
3. Under the Althaus factors, the evidence created a jury question concerning whether lighter manufacturers and distributors owed a duty to design the lighter with child-safety features.
4. Summary judgment on the negligent-infliction-of-emotional-distress claim was improper where the trial court dismissed that claim solely because it had dismissed the negligence claim, and the negligence claim independently survived summary judgment.
5. The Superior Court's unexplained reversal of summary judgment on the implied-warranty claim could not be reviewed and was therefore vacated and remanded for an explanation of its rationale.

6. The Superior Court improperly reinstated the punitive-damages claim based on a mistaken understanding of the trial court's reasoning; the issue was remanded for reconsideration.

KEY QUOTATIONS

“Thus, we conclude that in a strict liability design defect claim, the plaintiff must establish that the product was unsafe for its intended user.” (1007)

“We also explicitly state that a manufacturer will not be held strictly liable for failing to design a product that was safe for use by any reasonably foreseeable user as such a standard would improperly import negligence concepts into strict liability law.” (1008)

“Thus, as the elements of the causes of action are quite distinct, it would be illogical for us to dispose of Appellee's negligence claim based solely on our disposition of her strict liability claim.” (1008-1009)

“No one of these five factors is dispositive. Rather, a duty will be found to exist where the balance of these factors weighs in favor of placing such a burden on a defendant.” (1009)

“As we cannot review the propriety of its determination absent any reasoning, and are chary of assuming what the reasoning might have been and conducting our review on that basis, we are constrained to vacate this portion of the Superior Court's order” (1011)

FACTUAL BACKGROUND

A two-year-old child retrieved an unchildproof Cricket disposable butane lighter from his mother's purse and used it to ignite linens in the family's apartment. The resulting fire killed the child's mother and two siblings; a five-year-old sibling survived after being rescued by a neighbor. The estate administrator and guardian alleged that the manufacturers and distributors negligently and defectively designed the lighter by failing to include child-safety features.

PROCEDURAL HISTORY

The trial court granted the defendants summary judgment on all challenged claims. The Superior Court reversed summary judgment on the five claims at issue. The Supreme Court of Pennsylvania reversed the Superior Court as to strict-liability design defect and punitive damages, affirmed reinstatement of the negligence and negligent-infliction-of-emotional-distress claims, and vacated and remanded the warranty ruling for explanation.

DISPOSITION

other

REMAND INSTRUCTIONS

The warranty issue was remanded to the Superior Court to explain its rationale for reversing summary judgment. The punitive-damages issue was remanded to the Superior Court for reconsideration based on the trial court's actual stated rationale. Jurisdiction was relinquished.

CASES CITED

- Azzarello v. Black Bros. Co., 480 Pa. 547, 391 A.2d 1020 (1978)
- Mackowick v. Westinghouse Electric Corp., 525 Pa. 52, 575 A.2d 100 (1990)
- Pappas v. Asbel, 564 Pa. 407, 768 A.2d 1089 (2001)
- Ertel v. Patriot-News Co., 544 Pa. 93, 674 A.2d 1038 (1996)
- Salvador v. Atlantic Steel Boiler Co., 457 Pa. 24, 319 A.2d 903 (1974)
- Morena v. South Hills Health System, 501 Pa. 634, 462 A.2d 680 (1983)
- Althaus v. Cohen, 562 Pa. 547, 756 A.2d 1166 (2000)
- Lewis v. Coffing Hoist Division, Duff-Norton Co., Inc., 515 Pa. 334, 528 A.2d 590 (1987)
- Kimco Development Corp. v. Michael D's Carpet Outlets, 536 Pa. 1, 637 A.2d 603 (1993)
- Spino v. John S. Tilley Ladder Co., 548 Pa. 286, 696 A.2d 1169 (1997)
- Davis v. Berwind Corp., 547 Pa. 260, 690 A.2d 186 (1997)
- Duchess v. Langston Corp., 564 Pa. 529, 769 A.2d 1131 (2001)
- Shoemaker v. Lehigh Township, 544 Pa. 304, 676 A.2d 216 (1996)