

SUPREME COURT OF ILLINOIS

Calles v. Scripto-Tokai Corp., 224 Ill. 2d 247

864 N.E.2d 249 (2007) · No. No. 101089 · Decided February 16, 2007

SUMMARY

The Supreme Court of Illinois considers whether a “simple product” with open and obvious dangers is exempt from the risk-utility test in a strict-liability design-defect case. The court holds that the open and obvious nature of a danger is not a per se bar to liability or to application of the risk-utility test, but is one factor in the analysis. The court also concludes that the Aim N Flame satisfied the consumer-expectation test because it functioned as intended, while determining that evidence concerning an alternative child-resistant design could support further analysis under the risk-utility test.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Burke; Justice Freeman; Justice Fitzgerald; Justice Garman; Justice Karmeier
JURISDICTION	Illinois
DECIDED	February 16, 2007
DOCKET	No. 101089
DISPOSITION	affirmed
PROCEDURAL POSTURE	Scripto sought review of an appellate court decision reversing summary judgment on strict-liability and negligent-product-design claims arising from the alleged defective design of an Aim N Flame utility lighter.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The court determines whether genuine issues of material fact exist and whether the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Scripto-Tokai Corporation, Tokai v. Susan Calles, individually and as independent administrator of the estate of Jillian Calles, Richard Fox, Loyola University Medical Center

TOPICS

products liability

strict liability

negligence

standard of care

duty of care

PRACTICE AREAS

products liability

strict liability

negligence

product design defects

summary judgment

QUESTIONS PRESENTED

1. Whether Illinois recognizes a per se simple-product exception that prevents application of the risk-utility test when a product is simple and its dangers are open and obvious.
2. Whether the Aim N Flame was unreasonably dangerous as a matter of law under the consumer-expectation test.
3. Whether evidence concerning the feasibility of a child-resistant alternative design created a genuine issue of material fact under the risk-utility test.
4. Whether the open and obvious nature of the lighter's danger barred the negligent-product-design claims or established that Scripto owed no duty as a matter of law.
5. Whether summary judgment was proper on the strict-liability and negligent-product-design claims.

HOLDINGS

1. Illinois does not recognize a per se rule exempting simple products with open and obvious dangers from the risk-utility test. The open and obvious nature of a danger is only one factor in the risk-utility analysis.
2. The Aim N Flame was not unreasonably dangerous under the consumer-expectation test because it performed as an ordinary adult consumer would expect when used in a reasonably foreseeable manner, including use by a child.
3. Summary judgment was improper on the strict-liability design-defect claim because conflicting evidence concerning the feasibility of alternative child-resistant designs and other risk-utility factors created material factual questions.
4. The open and obvious nature of the lighter's danger is not dispositive of negligent-product-design claims. Because conflicting evidence existed concerning defect and foreseeability, summary judgment was improper.

KEY QUOTATIONS

“Accordingly, we hold that the open and obvious danger of a product does not create a per se bar to a manufacturer's liability, nor does it preclude application of the risk-utility test.” (260)

“The open and obvious nature of a danger is just one factor in evaluating whether a manufacturer acted reasonably in designing its product. It is not dispositive.” (264)

FACTUAL BACKGROUND

A child used an Aim N Flame utility lighter manufactured by Tokai and distributed by Scripto-Tokai to start a house fire. Jillian Calles suffered smoke inhalation, was hospitalized, and died. Her administrator alleged that the lighter was defectively designed because it lacked a child-resistant safety device and presented expert evidence that feasible alternative designs existed. Susan Calles also testified that she knew of the dangers of lighters in children's hands and had stored the lighter on a high shelf.

PROCEDURAL HISTORY

The circuit court of Cook County granted Scripto summary judgment on Calles's complaint and Loyola's counter-complaint, finding that Scripto owed and breached no duty. The appellate court affirmed in part and reversed in part, reversing summary judgment on the strict-liability and negligent-design claims and remanding for further proceedings. The Supreme Court of Illinois affirmed the appellate court's reversal, although it rejected the appellate court's reasoning that Blue established that the risk-utility test was unavailable in negligent-design cases.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The appellate court's reversal of summary judgment was affirmed, allowing the strict-liability and negligent-product-design claims to proceed for further proceedings.

CASES CITED

- Suvada v. White Motor Co., 32 Ill. 2d 612, 210 N.E.2d 182 (1965)
- Lamkin v. Towner, 138 Ill. 2d 510, 563 N.E.2d 449 (1990)
- Blue v. Environmental Engineering, Inc., 215 Ill. 2d 78, Blue v. Environmental Engineering, Inc., 215 Ill. 2d 78, 828 N.E.2d 1128 (2005)
- Scoby v. Vulcan-Hart Corp., 211 Ill. App. 3d 106, 569 N.E.2d 1147 (1991)
- Todd v. Societe Bic, S.A., 21 F.3d 1402 (7th Cir. 1994)
- Coney v. J.L.G. Industries, Inc., 97 Ill. 2d 104, 454 N.E.2d 197 (1983)
- Anderson v. Hyster Co., 74 Ill. 2d 364, 385 N.E.2d 690 (1979)
- Hansen v. Baxter Healthcare Corp., 198 Ill. 2d 420, 764 N.E.2d 35 (2002)
- Doser v. Savage Manufacturing & Sales, Inc., 142 Ill. 2d 176, 568 N.E.2d 814 (1990)
- Ward v. K mart Corp., 136 Ill. 2d 132, 554 N.E.2d 223 (1990)
- Moehle v. Chrysler Motors Corp., 93 Ill. 2d 299, 443 N.E.2d 575 (1982)
- Rucker v. Norfolk & Western Ry. Co., 77 Ill. 2d 434, 396 N.E.2d 534 (1979)
- Kerns v. Engelke, 76 Ill. 2d 154, 390 N.E.2d 859 (1979)
- Flaughner v. Sears, Roebuck & Co., 61 Ill. App. 3d 671, 378 N.E.2d 337 (1978)
- Barker v. Lull Engineering Co., 20 Cal. 3d 413, 573 P.2d 443 (1978)

- Soule v. General Motors Corp., 8 Cal. 4th 548, 882 P.2d 298 (1994)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/illinois-supreme-court-of-illinois/2007/calles-v-scripto-tokai-corp-224-ill-2d-247-e6ctn5sc>