

SUPREME COURT OF APPEALS OF WEST VIRGINIA

William McKitrick and Amy McKitrick v. Chrysler Group, LLC

No. 13-0119 (Jefferson County 12-C-104) (W. Va. Nov. 8, 2013) · No. No. 13-0119 · Decided November 8, 2013

SUMMARY

The West Virginia Supreme Court of Appeals affirmed summary judgment for Chrysler Group, LLC, in a vehicle warranty action arising from the destruction of the plaintiffs' Jeep Liberty by fire. The court held that, without expert testimony or other evidence identifying the cause of the fire, the plaintiffs' circumstantial evidence would leave a jury to guess at the alleged warranty breach. The court distinguished a prior case involving a vehicle with documented electrical problems and repair attempts preceding the fire.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Brent D. Benjamin; Justice Menis E. Ketchum; Justice Allen H. Loughry II; Justice Robin Jean Davis; Justice Margaret L. Workman
JURISDICTION	West Virginia
DECIDED	November 8, 2013
DOCKET	No. 13-0119
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioners appealed a circuit court order granting Chrysler summary judgment in an action asserting breach of vehicle warranty and related statutory and Uniform Commercial Code claims.
STANDARD OF REVIEW	De novo review applies to a circuit court order granting summary judgment.
PRECEDENTIAL VALUE	memorandum decision; limited or nonprecedential under the court's Rule 21 procedure
PARTIES	William McKitrick, Amy McKitrick v. Chrysler Group, LLC

TOPICS

[summary judgment](#)[breach of contract](#)[warranty](#)[consumer protection](#)[standard of review](#)

PRACTICE AREAS

civil procedure

contracts

consumer protection

uniform commercial code

evidence

QUESTIONS PRESENTED

1. Whether the circuit court properly granted summary judgment where the plaintiffs relied on circumstantial evidence to prove that a defect covered by the vehicle's express or implied warranty caused the fire.
2. Whether the circumstantial evidence was sufficient to establish a breach of warranty without leaving the jury to speculate about the cause of the alleged breach.

HOLDINGS

1. Summary judgment for Chrysler was proper because the McKitricks presented no direct evidence, expert testimony, or other evidence identifying a warrantable defect or the cause of the fire, and their circumstantial evidence would require a jury to guess at the cause of the alleged breach.
2. A circuit court's order granting summary judgment is reviewed de novo.

KEY QUOTATIONS

“A breach of warranty may be proved by circumstantial evidence as well as direct evidence but the jury must not be left to guess the cause of the alleged breach.” (at 2)

“A plaintiff, who seeks to recover damages for breach of an [express or an] implied warranty for fitness of purpose, is not required to exclude every possible cause for the defective condition of the goods purchased and may establish the defective nature of the goods by circumstantial evidence.” (at 2)

FACTUAL BACKGROUND

The McKitricks purchased a new 2010 Chrysler Jeep Liberty on May 8, 2010. On February 19, 2012, while Amy McKitrick was driving, the engine began to rev, the vehicle decelerated, smoke appeared, and the vehicle caught fire and was destroyed. The cause of the fire was never determined; the vehicle had operated for approximately twenty-one months and 37,000 miles without problems, and William McKitrick had performed maintenance and installed a Bluetooth device requiring electrical wiring. The McKitricks had no expert testimony or other evidence identifying a defect or cause of the fire.

PROCEDURAL HISTORY

The McKitricks purchased a new 2010 Chrysler Jeep Liberty, which was destroyed by fire approximately twenty-one months and 37,000 miles later. After Chrysler denied their warranty claim, they filed suit. The Circuit Court of Jefferson County granted Chrysler's Rule 56 motion for summary judgment on January 8, 2013, and the McKitricks appealed.

DISPOSITION

affirmed

CASES CITED

- Painter v. Peavy, 192 W. Va. 189, 451 S.E.2d 755 (1994)
- Payne v. Valley Motor Sales, Inc., 146 W. Va. 1063, 124 S.E.2d 622 (1962)
- Dawson v. Canteen Corp., 158 W. Va. 516, 212 S.E.2d 82 (1975)
- Anderson v. Chrysler Corp., 184 W. Va. 641, 403 S.E.2d 189 (1991)
- Jones, Inc. v. W.A. Wiedebusch Plumbing & Heating Co., 157 W. Va. 257, 201 S.E.2d 248 (1973)

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