

COURT OF APPEALS OF WISCONSIN

Pomplun v. Rockwell International Corp., 203 Wis. 2d 303

552 N.W.2d 632 (Conn. Ct. App. 1996) · No. No. 95-2689 · Decided June 25, 1996

SUMMARY

The Wisconsin Court of Appeals reviewed summary judgment in a product-liability action arising from an injury caused by a foot switch used to operate a punch press. The court held that the plaintiff presented sufficient expert evidence to create a trial issue regarding whether the foot switch had a defective design, but affirmed summary judgment on the failure-to-warn claim because the component-part manufacturer had no duty to warn about hazards arising from the press's overall operation.

CASE DETAILS

COURT	Court of Appeals of Wisconsin
WRITING FOR THE COURT	Fine, J.; Wedemeyer, P.J.; Sullivan, J.
JURISDICTION	Wisconsin
DECIDED	June 25, 1996
DOCKET	No. 95-2689
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Steven Pomplun appealed an order granting summary judgment to Rockwell International Corporation and Allen-Bradley Company, Inc., and dismissing his claims against them.
STANDARD OF REVIEW	Summary judgment is reviewed under the same methodology as the circuit court, and legal questions concerning a manufacturer's duty to warn are reviewed de novo.
PRECEDENTIAL VALUE	Published Wisconsin Court of Appeals opinion
PARTIES	Steven Pomplun v. Rockwell International Corporation, Allen-Bradley Company, Inc.

TOPICS

- products liability
- summary judgment
- duty of care
- negligence
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence created a genuine issue of material fact regarding whether the Allen-Bradley foot switch had a defective design.
2. Whether Allen-Bradley, as a component-part manufacturer that did not manufacture the entire punch press, owed Pomplun a duty to warn about possible operating hazards arising from use of the switch in the press.
3. Whether summary judgment was proper on Pomplun's design-defect and failure-to-warn claims.

HOLDINGS

1. Pomplun's expert affidavit presented sufficient evidence for a jury to find that the foot switch was defectively designed; therefore, summary judgment was improperly granted on the design-defect issue.
2. Allen-Bradley, which manufactured an off-the-shelf foot switch rather than the entire punch press, had no duty to warn Pomplun about possible dangers that depended on how the switch was incorporated into the press and how other components operated.

KEY QUOTATIONS

“Summary judgment is appropriate only when the moving party establishes that there are no genuine issues of material fact and that the movant is entitled to judgment as a matter of law.” (at 306-307)

“The trial court may not base its ruling on its assessment of the weight of the evidence or the witnesses' credibility, but must deny summary judgment sought by a defendant if the plaintiff presents any evidence upon which a jury could reasonably find in the plaintiff's favor.” (at 307)

“Thus, because the dryer could be incorporated into a variety of grain handling systems, the desirability or need for such devices could be determined only after any given type of complex had been chosen and created.” (at 308-309)

FACTUAL BACKGROUND

Pomplun was injured while operating a punch press during his employment with Phoenix Products Company, Inc. He inadvertently activated the press by striking an Allen-Bradley foot switch while reaching for a sheet of plastic. He alleged that the press and foot switch were dangerously defective and that the defendants were negligent, strictly liable, and failed to warn of the products' dangers. His expert opined that the switch had inadequate foot-pressure resistance and insufficient travel to prevent inadvertent activation.

PROCEDURAL HISTORY

Pomplun sued multiple defendants after being injured while operating a punch press equipped with an Allen-Bradley foot switch. The trial court granted Allen-Bradley's motion for summary judgment, finding no genuine issue of material fact, that the foot switch was not defective, and that Allen-Bradley had no duty to warn about dangers inherent in the switch. The Court of Appeals affirmed in part and reversed in part.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The order was affirmed as to the failure-to-warn claim and reversed as to the design-defect issue, leaving the design-defect claim for further proceedings consistent with the opinion.

CASES CITED

- Grams v. Boss, 97 Wis. 2d 332, 338-339, 294 N.W.2d 473, 476-477 (1980)
- Gorton v. American Cyanamid Co., 194 Wis. 2d 203, 221, 533 N.W.2d 746, 754 (1995)
- Estate of Schilling v. Blount, Inc., 152 Wis. 2d 608, 617-618, 449 N.W.2d 56, 60 (Ct. App. 1989)
- Shanks v. A.F.E. Industries, Inc., 416 N.E.2d 833, 838 (Ind. 1981)

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