

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Robin D. Downing v. Kubota Tractor Corporation

Downing · No. 3:23-CV-394-CCB · Decided February 10, 2026

SUMMARY

The United States District Court for the Northern District of Indiana granted Kubota Tractor Corporation’s motion to exclude the plaintiff’s proposed expert testimony and its motion for summary judgment. The court held that the expert lacked qualifications and a sufficient factual and methodological basis to opine on accident causation and injury prevention, and that the plaintiff lacked admissible evidence supporting her alternative shifter-design theory. The court dismissed the wrongful-death and negligent-infliction-of-emotional-distress claims without prejudice and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	February 10, 2026
DOCKET	3:23-CV-394-CCB
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to exclude portions of Plaintiff's expert testimony under Federal Rule of Evidence 702 and for summary judgment. The district court granted both motions and dismissed Plaintiff's claims without prejudice.
STANDARD OF REVIEW	Expert admissibility under Federal Rule of Evidence 702 is evaluated by determining whether the witness is qualified, whether the methodology is scientifically reliable, and whether the testimony will assist the trier of fact; the proponent bears the burden of establishing admissibility by a preponderance of the evidence. Summary judgment is proper when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	unknown

PARTIES

Robin D. Downing v. Kubota Tractor Corporation

TOPICS

expert testimony

daubert standard

summary judgment

products liability

wrongful death

PRACTICE AREAS

products liability

evidence

civil procedure

wrongful death

negligent infliction of emotional distress

QUESTIONS PRESENTED

1. Whether portions of Plaintiff's proposed expert testimony concerning the effect of an alternative operator-presence-control design on the tractor's motion and the decedent's injuries were admissible under Federal Rule of Evidence 702.
2. Whether Plaintiff presented sufficient admissible evidence to create a genuine issue of material fact concerning causation under the alternative operator-presence-control design theory.
3. Whether Plaintiff presented sufficient admissible evidence to create a genuine issue of material fact concerning causation under the alternative shift-lever design theory.
4. Whether Defendant was entitled to summary judgment on Plaintiff's negligent infliction of emotional distress claim because Plaintiff failed to establish an underlying negligent act.

HOLDINGS

1. An expert qualified in tractor engineering and design, but lacking expertise in accident reconstruction and biomechanics, may not testify that an alternative operator-presence-control design would have prevented the decedent's injuries when that conclusion requires explaining how the tractor's altered movement would have affected the decedent's body.
2. Expert testimony estimating that the tractor would have rolled only one to two feet after an engine cutoff was inadmissible because the opinion lacked a sufficient factual and methodological basis.
3. Expert testimony that a shorter tractor stopping distance would have prevented the decedent's injuries was inadmissible because it lacked data or analysis connecting the proposed stopping distance to the injury sequence.
4. Summary judgment was warranted on the alternative operator-presence-control design theory because, after exclusion of Severt's causation opinions, Plaintiff lacked admissible evidence creating a genuine issue of material fact on proximate cause.
5. Summary judgment was warranted on the alternative shift-lever design theory because Plaintiff lacked admissible evidence that the tractor shifted while the decedent was standing next to it.
6. The negligent infliction of emotional distress claim failed because Plaintiff did not create a genuine issue of material fact that Kubota was negligent; the court therefore did not need to decide whether the Indiana Product Liability Act subsumes the bystander claim.

KEY QUOTATIONS

“An immediate engine cutoff does not mean that the Tractor would have immediately ceased moving: Mr. Sevart himself acknowledges that the Tractor would continue to roll on its own momentum for some distance even after engine cutoff.” (Analysis A(2)(a))

“Summary judgment is not a dress rehearsal or practice run; it is the put up or shut up moment in a lawsuit, when a party must show what evidence it has that would convince a trier of fact to accept its version of the events.” (Analysis B)

FACTUAL BACKGROUND

Forrest Blaker III was killed on September 1, 2021, after he was found pinned beneath the front left tire of his Kubota M7060 tractor, which had dragged him approximately twenty feet before becoming stuck in mud. Downing alleged that the tractor was defectively designed because it lacked an engine-cutoff operator-presence control and because its shift lever could permit an inadvertent shift into drive. Her expert, Kevin Sevart, opined that an engine-cutoff system would have stopped the tractor within one to two feet and prevented the fatal injuries, but he lacked expertise in accident reconstruction and biomechanics and did not provide sufficient data or methodology supporting those conclusions.

PROCEDURAL HISTORY

Downing originally filed suit against Kubota in Indiana state court on April 10, 2023. Kubota removed the action to federal court on May 20, 2023, and Downing filed an amended complaint on December 30, 2024, asserting wrongful death on behalf of the decedent's estate and negligent infliction of emotional distress in her personal capacity. The court excluded the challenged expert testimony, granted summary judgment to Kubota, dismissed the claims without prejudice, and directed the clerk to close the case.

DISPOSITION

other

CASES CITED

- Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579, 589, 592-93 (1993)
- Gopalratnam v. Hewlett-Packard Co., 877 F.3d 771, 779 (7th Cir. 2017)
- Deputy v. Lehman Bros., 345 F.3d 494, 505 (7th Cir. 2003)
- Timm v. Goodyear Dunlop Tires North Am., Ltd., 932 F.3d 986, 993 (7th Cir. 2019)
- Smith v. Ford Motor Co., 215 F.3d 713, 719 (7th Cir. 2000)
- Schultz v. Akzo Nobel Paints, LLC, 721 F.3d 426, 431 (7th Cir. 2013)
- Cummins v. Lyle Indus., 93 F.3d 362, 368 (7th Cir. 1996)
- Varlen Corp. v. Liberty Mut. Ins., 924 F.3d 456, 459 (7th Cir. 2019)
- Higgins v. Koch Dev. Corp., 997 F. Supp. 2d 924, 930 (S.D. Ind. 2014)
- Berry v. City of Detroit, 25 F.3d 1342, 1351 (6th Cir. 1994)

- Gayton v. McCoy, 593 F.3d 610, 617 (7th Cir. 2010)
- Hall v. Flannery, 840 F.3d 922, 929 (7th Cir. 2016)
- Bezingue v. Steuben Lakes Reg'l Waste Dist., 507 F. Supp. 3d 1021, 1030 (N.D. Ind. 2020)
- United States v. Mamah, 332 F.3d 475, 478 (7th Cir. 2003)
- CDW LLC v. NETech Corp., 906 F. Supp. 2d 815, 827 (S.D. Ind. 2012)
- Target Mkt. Publ'g, Inc. v. ADVO, Inc., 136 F.3d 1139, 1143-44 (7th Cir. 1998)
- Van v. Ford Motor Co., 332 F.R.D. 249, 267 (N.D. Ill. 2019)
- Gen. Elec. Co. v. Joiner, 522 U.S. 136, 146 (1997)
- Robin v. Espo Eng'g Corp., 200 F.3d 1081, 1088 (7th Cir. 2000)
- Ortiz v. Werner Enters., Inc., 834 F.3d 760 (7th Cir. 2016)
- Hammel v. Eau Galle Cheese Factory, 407 F.3d 852, 859 (7th Cir. 2005)
- Goodman v. Nat'l Sec. Agency, Inc., 621 F.3d 651, 654 (7th Cir. 2010)
- ExxonMobil Oil Corp. v. Amex Const. Co., 702 F. Supp. 2d 942, 977 (N.D. Ill. 2010)
- Goffman v. Gross, 59 F.3d 668, 672 (7th Cir. 1995)
- Porter v. Whitehall Lab'ys, Inc., 791 F. Supp. 1335, 1342 (S.D. Ind. 1992), aff'd, 9 F.3d 607 (7th Cir. 1993)
- Watson v. Med. Emergency Servs. Corp., 532 N.E.2d 1191, 1194 (Ind. Ct. App. 1989)
- Muller v. Synthes Corp., No. 99-C-1492, 2002 WL 460827 (N.D. Ill. Mar. 26, 2002)
- Amadio v. Ford Motor Co., 238 F.3d 919, 927 (7th Cir. 2001)
- Visser v. Packer Eng'g Assoc., Inc., 924 F.2d 655, 659 (7th Cir. 1991)
- Groves v. Taylor, 729 N.E.2d 569, 573 (Ind. 2000)