

SUPREME COURT OF IOWA

James Parish II, Individually and as Parent and Next Friend of
James Parish III, a Minor Child v. Icon Health & Fitness, Inc. and
Jumpking, Inc.

Parish v. Icon Health & Fitness · No. No. 13 / 04-1544 · Decided July 21, 2006

SUMMARY

The Iowa Supreme Court affirmed summary judgment for Jumpking, Inc. in a product-liability action arising from a plaintiff’s quadriplegic injury while performing a somersault on a trampoline. The court held that the plaintiff failed to provide evidence of a reasonable alternative design or establish that the trampoline was manifestly unreasonable under the Restatement (Third) of Torts. The court also concluded that the warnings specifically addressing somersaults and flips were adequate.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Larson, Justice
JURISDICTION	Iowa
DECIDED	July 21, 2006
DOCKET	No. 13 / 04-1544
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from the Iowa District Court's entry of summary judgment for the manufacturer in a product-liability action involving an allegedly defective trampoline design and inadequate warnings.
STANDARD OF REVIEW	Summary judgment is reviewed for correction of errors at law. Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; the evidence is viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	published opinion
PARTIES	James Parish II, individually and as parent and next friend of James Parish III, a minor child v. Jumpking, Inc.

TOPICS

products liability

summary judgment

standard of review

appellate procedure

personal injury

PRACTICE AREAS

products liability

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civil procedure

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QUESTIONS PRESENTED

1. Whether Parish generated a genuine issue of material fact on his design-defect claim despite offering no reasonable alternative design, under Iowa's adoption of section 2(b) of the Restatement (Third) of Torts: Products Liability.
2. Whether the trampoline and enclosure's warnings were inadequate despite warning specifically against the somersaulting activity that caused Parish's injury.
3. Whether the open-and-obvious defense applied to the design-defect claim.

HOLDINGS

1. For common and widely distributed products such as trampolines, a plaintiff ordinarily must present evidence of a reasonable alternative design; Parish failed to generate a genuine issue of fact that the trampoline was so manifestly unreasonable that the exception applied.
2. The warnings were adequate as a matter of law because they specifically warned against attempting somersaults or flips, the conduct in which Parish was engaged when injured.
3. The court did not decide the open-and-obvious issue.

KEY QUOTATIONS

“A product is defective when, at the time of sale or distribution, it contains a manufacturing defect, is defective in design, or is defective because of inadequate instructions or warnings.” (at 4)

“We conclude that the plaintiff has failed to generate a genuine issue of fact sufficient to except this product from the alternative-design requirement of section 2(b), and the plaintiff’s design-defect claim under that section must therefore be rejected.” (at 8)

“We conclude that a reasonable fact finder could not conclude that the defendant’s warnings were inadequate, and we affirm the district court’s summary judgment on that claim.” (at 10)

FACTUAL BACKGROUND

In June 1999, Delbert Parish and Shelley Tatro purchased and installed a fourteen-foot Jumping trampoline and later added a netlike enclosure. On September 11, 1999, James Parish attempted a back somersault on the trampoline, landed on his head, and became quadriplegic. The trampoline and enclosure contained multiple warnings, including warnings specifically advising users not to perform somersaults or flips.

PROCEDURAL HISTORY

Parish filed suit in August 2001 against Jumpking and related parties after suffering a quadriplegic injury while performing a back somersault on a trampoline. Claims against Delbert Parish and Shelley Tatro were dismissed before summary judgment. The district court entered summary judgment against Parish on all claims, and the Supreme Court of Iowa affirmed.

DISPOSITION

affirmed

CASES CITED

- Crippen v. City of Cedar Rapids, 618 N.W.2d 562, 565 (Iowa 2000)
- Fischer v. Unipac Serv. Corp., 519 N.W.2d 793, 796 (Iowa 1994)
- Junkins v. Branstad, 421 N.W.2d 130, 132 (Iowa 1988)
- Wright v. Brooke Group Ltd., 652 N.W.2d 159, 169 (Iowa 2002)

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