

SUPREME COURT OF IDAHO

Shields v. Morton Chemical Co., 95 Idaho 674

518 P.2d 857 (1974) · No. No. 10875 · Decided January 15, 1974

SUMMARY

The Idaho Supreme Court adopted strict liability in tort for products liability actions under Restatement (Second) of Torts § 402A. It held that contributory negligence based on failure to discover a defect or guard against its existence is not a defense to strict liability, although misuse and knowingly encountering a danger may be defenses. The court reversed and remanded for a new trial because the jury instruction on contributory negligence was confusing and prejudicial when applied to the plaintiff’s negligence, warranty, and strict-liability theories.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Shepard, Chief Justice; McQuade, Justice; McFadden, Justice; Bakes, Justice; Donaldson, Justice
JURISDICTION	Idaho
DECIDED	January 15, 1974
DOCKET	No. 10875
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from a judgment entered after a jury verdict for defendants in a products-liability action. The trial court denied plaintiff's motions for a directed verdict, judgment notwithstanding the verdict, and a new trial.
STANDARD OF REVIEW	The court reviewed the adequacy of the jury instructions and whether the challenged instruction was confusing, misleading, and prejudicial.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	James T. Shields et al. v. Morton Chemical Company, a division of Morton International, Inc., C.K. Brown and Associates, Inc.

TOPICS

- products liability
- strict liability
- contributory negligence
- appellate procedure
- remedies

PRACTICE AREAS

products liability

torts

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Idaho should adopt strict liability in tort for products-liability actions.
2. Whether contributory negligence based on failure to discover a defect or guard against its existence is a defense to strict liability in tort.
3. Whether the trial court's contributory-negligence instruction was erroneous and prejudicial because it was not limited to the negligence theory.
4. Whether the case should be remanded for a new trial with instructions distinguishing the three theories of liability.

HOLDINGS

1. Idaho adopted the doctrine of strict liability in tort as stated in Restatement (Second) of Torts § 402A (1965). A seller engaged in the business of selling a product is liable for physical harm caused by a product sold in a defective condition unreasonably dangerous to the user, consumer, or the user's or consumer's property, when the product reaches the user or consumer without substantial change.
2. Contributory negligence consisting merely of failure to discover a product defect or to guard against the possibility of its existence is not a defense to strict liability in tort. Misuse of the product, or voluntarily and unreasonably proceeding in the face of a known danger, may be a defense.
3. The trial court erred by giving a contributory-negligence instruction that was not expressly limited to the negligence theory. Because the instruction could mislead the jury into applying contributory negligence to the breach-of-warranty and strict-liability theories, it was defective and prejudicial.

KEY QUOTATIONS

“An examination of what appear to us to be the better reasoned cases leads us today to the adoption of the rule of strict liability in tort as it appears in The Restatement of the Law, Torts 2d, § 402A (1965)” (859-860)

“In our opinion the better reasoned view is that contributory negligence in the sense of the failure to discover the defect or to guard against its existence is not a defense to strict liability in tort.” (860)

“Hence, that instruction was undoubtedly confusing and misleading to the jury and was defective and prejudicial to plaintiff-appellant Shields.” (861)

“Judgment of the district court is reversed and remanded for a new trial. Costs to appellant.” (861)

FACTUAL BACKGROUND

Shields, a seed-bean wholesaler, purchased Panodrin A-13 pesticide-fungicide and a Panogen MC-R treater from C.K. Brown and Associates after Brown recommended their use. Shields applied the chemical at an allegedly excessive rate, and treated beans later failed to germinate properly and were determined to be unsuitable for sale

as seed beans. Shields claimed that the chemical was unsuitable for seed beans at any treatment ratio and sought damages under negligence, breach-of-warranty, and strict-liability theories.

PROCEDURAL HISTORY

Shields sued under alternative theories of negligence, breach of warranty, and strict liability for losses allegedly caused by a pesticide-fungicide and seed treater. After a two-week jury trial, the jury returned a 9-to-3 verdict for Brown and Morton Chemical. The Idaho Supreme Court reversed because the contributory-negligence instruction was misleading and prejudicial as applied to the warranty and strict-liability theories, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for a new trial. The jury instructions should clearly identify that Shields was proceeding on three theories and explain that any one theory, if proved, could support recovery; contributory negligence should be limited to the negligence theory and not applied to warranty or strict liability merely because of failure to discover or guard against a defect.

CASES CITED

- Shields v. Hiram Gardner, Inc., 92 Idaho 423, 444 P.2d 38 (1968)
- Henderson v. Cominco American, 95 Idaho 690, 518 P.2d 873 (1973)
- Abercrombie v. Union Portland Cement Co., 35 Idaho 231, 205 P. 1118 (1922)
- Robinson v. Williamsen Idaho Equipment Co., 94 Idaho 819, 498 P.2d 1292 (1972)
- Davis v. Wyeth Laboratories, Inc., 399 F.2d 121 (9th Cir. 1968)
- Blaine v. Byers, 91 Idaho 665, 429 P.2d 397 (1967)
- Davis v. Bushnell, 93 Idaho 528, 465 P.2d 652 (1970)
- Lutwak v. United States, 344 U.S. 604, 619, 73 S. Ct. 481, 97 L. Ed. 593 (1953)