

SUPREME COURT OF NEBRASKA

Budler v. General Motors Corp.

268 Neb. 998 (2004) · No. No. S-04-096 · Decided December 17, 2004

SUMMARY

The Supreme Court of Nebraska answered a certified question from the U.S. Court of Appeals for the Eighth Circuit concerning whether Nebraska's ten-year products-liability statute of repose is tolled by a plaintiff's minority. The court held that Neb. Rev. Stat. § 25-224(2), including its notwithstanding clause, is not tolled by the infancy provision in § 25-213.

CASE DETAILS

COURT	Supreme Court of Nebraska
WRITING FOR THE COURT	Wright, J.; Hendry, C.J.; Connolly, J.; Gerrard, J.; Stephan, J.; McCormack, J.; Miller-Lerman, J.
JURISDICTION	Nebraska
DECIDED	December 17, 2004
DOCKET	No. S-04-096
DISPOSITION	other
PROCEDURAL POSTURE	The U.S. Court of Appeals for the Eighth Circuit certified to the Nebraska Supreme Court the question whether Nebraska's ten-year statute of repose for products liability actions is tolled by a claimant's minority. The Nebraska Supreme Court accepted the certification request and answered the certified question.
STANDARD OF REVIEW	The court interpreted the certified question as a matter of statutory construction, applying the plain meaning of the statutory language and construing related statutes in pari materia.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Nebraska; precedential.
PARTIES	General Motors Corporation v. John Budler and Linda Budler, copersonal representatives of the estate of Andrew Budler, deceased

TOPICS

- products liability
- statutory interpretation
- plain meaning rule
- in pari materia
- appellate procedure

PRACTICE AREAS

products liability

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether the ten-year statute of repose for products liability actions in Neb. Rev. Stat. § 25-224(2) (Reissue 1995) is tolled by a claimant's minority under Neb. Rev. Stat. § 25-213 (Reissue 1995).

HOLDINGS

1. Neb. Rev. Stat. § 25-224(2) (Reissue 1995) is not tolled by a person's status as a minor under Neb. Rev. Stat. § 25-213 (Reissue 1995).

KEY QUOTATIONS

“Since we are required to give effect to all parts of a statute, see In re Guardianship & Conservatorship of Woltemath, supra, we conclude that the 10-year limitation in § 25-224(2) is not tolled by the provisions of § 25-213.” (268 Neb. at 1005)

“Our answer to the certified question is that Neb. Rev. Stat. § 25-224(2) (Reissue 1995) is not tolled by a person's status as a minor pursuant to Neb. Rev. Stat. § 25-213 (Reissue 1995).” (268 Neb. at 1005)

FACTUAL BACKGROUND

Andrew Budler was born on October 3, 1979, and was injured on April 3, 1998, when the 1991 Pontiac Grand Prix in which he was a passenger rolled over. General Motors first sold the vehicle on June 24, 1991. The Budlers filed suit on April 2, 2002, alleging strict liability and products liability claims, and Andrew's parents later acted as his personal representatives after his death on October 10, 2002.

PROCEDURAL HISTORY

The Budlers filed a two-count products liability complaint against General Motors in the U.S. District Court for the District of Nebraska. The district court concluded that Andrew Budler's infancy tolled the ten-year statute of repose and denied General Motors' repose-based challenge. General Motors appealed, and the Eighth Circuit certified the controlling question to the Nebraska Supreme Court.

DISPOSITION

other

REMAND INSTRUCTIONS

The clerk was directed, pursuant to Neb. Rev. Stat. § 24-225 (Reissue 1995), to transmit the opinion stating the law governing the certified question under seal to the U.S. Court of Appeals for the Eighth Circuit and the parties.

CASES CITED

- Brown v. Kindred, 259 Neb. 95, 608 N.W.2d 577 (2000)
- Lawson v. Ford Motor Co., 225 Neb. 725, 408 N.W.2d 256 (1987)
- Sacchi v. Blodig, 215 Neb. 817, 341 N.W.2d 326 (1983)
- Macku v. Drackett Products Co., 216 Neb. 176, 343 N.W.2d 58 (1984)
- Stuart v. American Cyanamid Co., 158 F.3d 622 (2d Cir. 1998), cert. denied, 526 U.S. 1065, 119 S. Ct. 1456, 143 L. Ed. 2d 543 (1999)
- Givens v. Anchor Packing, 237 Neb. 565, 466 N.W.2d 771 (1991)
- Hoiengs v. County of Adams, 254 Neb. 64, 574 N.W.2d 498 (1998)
- Woodhouse Ford v. Laflan, 268 Neb. 722, 687 N.W.2d 672 (2004)
- In re Guardianship & Conservatorship of Woltemath, 268 Neb. 33, 680 N.W.2d 142 (2004)
- Governor's Policy Research Office v. KN Energy, 264 Neb. 924, 652 N.W.2d 865 (2002)
- Hatfield v. Bishop Clarkson Memorial Hosp., 701 F.2d 1266, 1272 n.5 (8th Cir. 1983)
- Budler v. General Motors Corp., 252 F. Supp. 2d 874 (D. Neb. 2003)