

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

David A. McDougall, Individually and as Trustee for the Next-of-Kin
of Decedent Cynthia A. McDougall v. CRC Industries, Inc.

McDougall v. CRC Industries, Inc. · No. 24-3614 · Decided February 10, 2026

SUMMARY

The United States Court of Appeals for the Eighth Circuit reversed a jury verdict against CRC Industries in a Minnesota products-liability case involving a duster containing difluoroethane gas. The court held that the plaintiff failed to present evidence of a safer alternative design or show that the product was so dangerous it should be removed from the market, as required to establish an unreasonably dangerous defective design under Minnesota law. The court vacated the judgment and remanded for entry of judgment as a matter of law in CRC’s favor.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Kobes; Loken; Smith
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	February 10, 2026
DOCKET	24-3614
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	CRC Industries, Inc. appealed the denial of its motion for judgment as a matter of law following a jury verdict for McDougall on a Minnesota defective-design product-liability claim.
STANDARD OF REVIEW	De novo review of the denial of a motion for judgment as a matter of law, viewing the evidence in the light most favorable to the verdict.
PRECEDENTIAL VALUE	published
PARTIES	CRC Industries, Inc. v. David A. McDougall, Individually and as Trustee for the Next-of-Kin of Decedent Cynthia A. McDougall

TOPICS

- products liability
- standard of review
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence provided a legally sufficient basis for the jury to find that CRC's duster was unreasonably dangerous under Minnesota's defective-design product-liability law.
2. Whether a plaintiff asserting a Minnesota defective-design claim must present evidence of a feasible safer alternative design or, in a rare case, evidence that the product should be removed from the market.

HOLDINGS

1. To establish that a product is unreasonably dangerous under Minnesota law, a plaintiff ordinarily must present evidence of a safer alternative design; in the rare case where no feasible alternative design exists, the plaintiff must assert and support that the product should be removed from the market altogether.
2. CRC was entitled to judgment as a matter of law because McDougall presented neither evidence of a safer alternative design nor evidence that the duster was so dangerous that it should be removed from the market.

KEY QUOTATIONS

“Kallio clarified that in those “rare cases” where there is no feasible alternative design, the jury can weigh the product’s potential harm against the burden of removing the product from the market.” (at 2)

“So there was no evidentiary basis for the jury to balance the dangerousness of the duster against either the burden of an alternative design or its removal from the market.” (at 3)

FACTUAL BACKGROUND

David McDougall's wife was killed in a car accident caused by a driver who was high on difluoroethane gas huffed from a can of duster manufactured by CRC Industries, Inc. McDougall sued CRC under Minnesota law for failure to warn and defective design. The jury found CRC's warning adequate but found the duster defectively designed.

PROCEDURAL HISTORY

McDougall sued CRC Industries in the United States District Court for the District of Minnesota, alleging failure to warn and defective design. The jury found that CRC's warning was adequate but that its duster was defectively designed. The district court denied CRC's motion for judgment as a matter of law, and the Eighth Circuit reversed, vacated the judgment, and remanded for entry of judgment as a matter of law in CRC's favor.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the judgment and remand for entry of judgment as a matter of law in CRC Industries, Inc.'s favor.

CASES CITED

- *Klingenberg v. Vulcan Ladder USA, LLC*, 936 F.3d 824, 830 (8th Cir. 2019)
- *Green Plains Otter Tail, LLC v. Pro-Env't, Inc.*, 953 F.3d 541, 545 (8th Cir. 2020)
- *Kallio v. Ford Motor Co.*, 407 N.W.2d 92, 96-97 & n.8 (Minn. 1987)
- *Bilotta v. Kelley Co.*, 346 N.W.2d 616, 621 (Minn. 1984)
- *Wagner v. Hesston Corp.*, 450 F.3d 756, 760 (8th Cir. 2006)
- *Kapps v. Biosense Webster, Inc.*, 813 F. Supp. 2d 1128, 1161 (D. Minn. 2011)
- *Stults v. Am. Pop Corn Co.*, 815 F.3d 409, 415 (8th Cir. 2016)
- *Am. Fam. Ins. Co., S.I. v. Pecron, LLC*, No. 21-cv-1749, 2023 WL 8654202, at *4 (D. Minn. 2023)