

SUPREME COURT OF INDIANA

Technisand, Inc. v. Melton

898 N.E.2d 303 (Ind. 2008) · No. No. 30S01-0801-CV-28 · Decided December 24, 2008

SUMMARY

The Indiana Supreme Court held that a wrongful-death claim arising from an alleged products-liability injury must be filed within two years of the decedent's death under Indiana's Wrongful Death Act. The court concluded that the products-liability statute of limitations could not extend the time for filing after the wrongful-death limitations period expired, and that the decedent's products-liability claim did not survive her death under Indiana's Survival Act. The court vacated the Court of Appeals' decision and reversed the trial court's denial of summary judgment for Technisand.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Sullivan, Justice; Shepard, Chief Justice; Dickson, Justice; Boehm, Justice; Rucker, Justice
JURISDICTION	Indiana
DECIDED	December 24, 2008
DOCKET	No. 30S01-0801-CV-28
DISPOSITION	reversed
PROCEDURAL POSTURE	Technisand appealed an interlocutory order denying its motion for summary judgment on statute-of-limitations grounds. The Indiana Court of Appeals affirmed, and the Indiana Supreme Court granted transfer.
STANDARD OF REVIEW	Summary judgment is reviewed under the applicable statute-of-limitations framework; the legal issue concerning which limitations period governs is reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Technisand, Inc. v. Jessie Melton, Personal Representative of the Estate of Patty Melton, Deceased

TOPICS

- wrongful death
- products liability
- statute of limitations
- summary judgment
- appellate procedure

PRACTICE AREAS

wrongful death

products liability

statute of limitations

summary judgment

appellate procedure

QUESTIONS PRESENTED

1. Whether the Indiana Wrongful Death Act's two-year limitations period or the Indiana Products Liability Act's accrual-based limitations period governed the wrongful-death claim against Technisand.
2. Whether the Survival Act allowed Patty's products-liability claim to survive her death when the alleged injuries caused her death.
3. Whether the claim against Technisand was timely when Technisand was added more than two years after Patty's death but within the limitations period for the underlying products-liability claim.

HOLDINGS

1. A wrongful-death claim with an underlying products-liability claim must be filed within two years of the decedent's death under the Wrongful Death Act, even if the Products Liability Act's limitations period for the underlying tort has not expired.
2. Because Patty allegedly died from the personal injuries caused by Technisand's product, her products-liability claim did not survive her death; only a Wrongful Death Act claim remained.
3. Jessie Melton's claim against Technisand was untimely because Technisand was not added within two years after Patty Melton's death.

KEY QUOTATIONS

“The Randolph scenario illustrates the Legislature's intent that the limitations period provided in the WDA always serves as an outside limit on the amount of time that the personal representative of a person whose death is caused by the wrongful act or omission of another will have to file the lawsuit.” (898 N.E.2d at 306)

“We hold that a wrongful death claim with an underlying product liability claim must be filed within two years of the date of the decedent's death.” (898 N.E.2d at 306)

FACTUAL BACKGROUND

Patty Melton was diagnosed with chronic myeloid leukemia in December 2001 and died on July 25, 2002. In 2003, her counsel received information indicating that she may have been exposed at work to Technisand's resin-coated sand, which could create carcinogenic formaldehyde fumes. A doctor later advised that formaldehyde exposure may have increased Patty's risk of leukemia, but Jessie Melton did not obtain leave to add Technisand as a defendant until February 16, 2005, more than two years after Patty's death.

PROCEDURAL HISTORY

Jessie Melton filed a wrongful-death-related action against other defendants and later obtained leave to add Technisand more than two years after Patty Melton's death. Technisand asserted that the claim was barred by the Indiana Wrongful Death Act's two-year limitations period and moved for summary judgment. The trial court denied the motion and certified the order for interlocutory appeal; the Court of Appeals affirmed, but the

Supreme Court granted transfer and reversed the trial court's denial while vacating the Court of Appeals decision.

DISPOSITION

reversed

CASES CITED

- *Ellenwine v. Fairley*, 846 N.E.2d 657, 661, 665-666 (Ind. 2006)
- *Degussa Corp. v. Mullens*, 744 N.E.2d 407, 411 (Ind. 2001)
- *Technisand, Inc. v. Melton*, No. 30A01-0608-CV-334, slip op. (Ind. Ct. App. July 11, 2007)
- *Technisand, Inc. v. Melton*, 891 N.E.2d 36 (Ind. 2008) (table)
- *Estate of O'Neal ex rel. Newkirk v. Bethlehem Woods Nursing and Rehab. Ctr., LLC*, 898 N.E.2d 299 (Ind., 2004)
- *Randolph v. Methodist Hosps., Inc.*, 793 N.E.2d 231, 237 (Ind. Ct. App. 2003)