

2014 YEAR IN REVIEW

SIGNIFICANT DECISIONS IN 2014: **AUTOMOBILE/TRUCKING LITIGATION**

By Gerald B. Lotzer

Kia Motors Corporation and Kia Motors America, Inc. v. Lawrence Ruiz, et al
No. 11-0709 (Tex. Sup. Ct., March 28, 2014)

This is a products-liability case against a vehicle manufacturer, involving the failure of a driver's side frontal air bag to deploy during a collision. The court is confronted with several issues for review. They first considered the applicability of section 82.008 of the Tex. Civ. Prac. & Rem. Code, which establishes the rebuttable presumption that a manufacturer is not liable on a design-defect theory for a claimant's injuries if the product complies with certain applicable federal safety standards. Second, they consider the legal-sufficiency challenge to the evidence supporting the jury's design-defect finding. Finally, they consider whether the trial court erred in admitting a spreadsheet summarizing authorized warranty claims involving air bags in similarly designed vehicles from the same manufacturer.

After reviewing the facts of the case, the court held that the presumption of nonliability in section 82.008 of Tex. Civ. Prac. & Rem. Code does not apply because Kia has not shown that the design of the 2002 Spectra complied with federal safety standards governing the product risk that allegedly caused the harm in issue. They further held that the Ruizes presented legally sufficient evidence to support the jury's verdict on their negligence claims against Kia and therefore Kia was not entitled to a take nothing judgment. They, however, also held that the trial court erroneously admitted irrelevant evidence of other dissimilar incidents and that such error was harmful requiring a new trial. They reversed the court of appeals judgment and remanded the case to the trial court for further proceedings consistent with the opinion.