



The Voice

And The Defense Wins

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Attorneys [Francis M. McDonald, Jr.](#) and [Jessica M. Kennedy](#) at **McDonald Toole Wiggins, P.A.**, in Orlando, Florida, representing Electrolux Home Products, Inc., obtained a defense verdict in a “failure to warn” or “inadequate warnings” case involving a Kenmore Elite double oven unit after a multi-day trial in St. Petersburg, Florida.

Plaintiff alleged that the installation instructions were insufficient in warning of the risks of putting one’s hands near the oven door’s hinges when attempting to remove the door. Counsel for Electrolux argued the instructions were more than clear and sufficient, and plaintiff’s injuries were caused by his failure to follow the instructions provided.

Plaintiff was installing the Kenmore Elite double oven unit in his kitchen, and incorrectly believed he needed to remove the oven’s doors to do so. He placed his hands at the junction of the oven door’s hinges to the unit and pulled the door from the rest of the unit. Plaintiff sustained severe lacerations to both of his thumbs. Plaintiff called his treating physician, Dr. Brian Williams, a hand specialist, who testified that plaintiff’s injuries were permanent in nature and there was little that could be done to alleviate his reduced range of motion and pain. Plaintiff asked the jury to return a verdict of \$1 million dollars for past and future pain and suffering. Electrolux argued that none of its instructions required removing the oven door for installation; therefore, plaintiff’s actions were unwarranted and by his own accord. Further, Electrolux did provide instructions about how to remove the oven door, when necessary for cleaning or storing, which explicitly depicted where one is to place one’s hands. Therefore an instruction as to where *not* to grasp the door was not necessary.

The jury deliberated for two hours and returned a verdict for Electrolux, finding that it was not negligent with respect to the oven’s instructions, and found plaintiff wholly liable for his injuries.

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