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Rushford v. Ford

The Indiana Supreme Court handed down an opinion in favor of Ford Motor Company and a Ford dealership, finding Eby Ford Lincoln Mercury did not breach its duty to warn by not instructing the injured plaintiff to read the airbag warnings in Ford's owner's manual.

Plaintiff filed a product liability suit against Ford and Eby, alleging Ford and Eby failed to provide reasonable, adequate warnings as to the danger from the front seat airbags to passengers. Specifically, she argued Ford should have included a different warning on the visor and Eby should have advised her to read the airbag warning in the owner's manual. The Plaintiff admitted the owner's manual warning would have been adequate had she read it.

Ford and Eby moved for summary judgment. The Court of Appeals granted Ford's motion, finding that federal law mandating specific language for visor warnings preempted plaintiff's "additional warning" claim, but it denied Eby's motion, finding genuine issues of fact as to whether it was reasonable for Eby not to inform Rushford of the owner's manual warnings.

Outcome

The Supreme Court reversed in part, granting summary judgment to Eby but leaving untouched the grant of summary judgment to Ford. As to Eby's motion, the Court held that a retail merchant has a duty to warn a buyer of the danger posed by a product it sells. However, absent special circumstances, if the manufacturer provides adequate warnings of the danger of the product and the seller passes these warnings along to the buyer or consumer, then the seller has discharged its duty to warn.

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