

National *Products Liability* Database Report

Vol. 26, No. 11

November, 2016

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Reader's Exchange

ICON Health & Fitness Pro-Form Model 745cs Treadmill. This treadmill is designed to be stored with the running deck latched in the upright position. Injury occurred when treadmill unexpectedly came unlatched and the deck collapsed on an individual who had knelt down to remove shoes. Contact Christopher J. Skorina, 26691 Plaza, Suite 200, Mission Viejo, CA 92691, (949) 582 1544.

Fisher & Paykel Humidifier and/or Cardinal Health/Allegiance Respirator. Malfunction caused severe burns to a newborn in the NICU. Contact Clifford Britt, 250 West First Street, Suite 200, Winston-Salem, NC 27101, (336) 631-8510.

Bobcat MT52 Mini Track Loader with Optional Stand-on Riding Platform and Auger Attachment. Expert witness information needed. Robyn L. Blanchard, rblanchard@ballowlaw.com.

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A. Automobiles and Motor Vehicles

1973 Honda Trike — Paralysis — \$2.77 Million Verdict.

The plaintiff's decedent a sixty-three year old man and his wife forty-five year old wife suffered severe injuries in a Honda Trike accident. After initially riding the ATV, plaintiffs noticed that the rear axle was wobbling. An attempted repair failed to correct the problem. Plaintiffs took the trike to a machine service and a mechanic installed a new axle. Plaintiffs were using the trike on a rural, two-lane highway at about 50 mph, when the rear axle broke. The man suffered severe fractures of the spine, leaving him paralyzed from the chest down. He died forty days later. The plaintiff woman suffered fractures to her femurs, humerus, and a scapular fracture, spinal fracture at L-2, multiple rib fractures, pulmonary contusions, and a collapsed lung. She spent six to eight months in a rehabilitation facility after several surgeries. Plaintiffs alleged that the axle was substandard and not fit for its intended use. Specifically, the plaintiff's alleged that the axle was not heat-treated or induction-hardened. Defendant's denied liability. The jury awarded plaintiffs \$2.77 million.

Plaintiff's Experts: Richard Ziemicki, mechanical engineering, Denver; Sam Pendergrass, metallurgy, Moresville, NC.

Wright on behalf of the estate of James Worman, deceased, and Pamela Worman, individually v Hart's Mechanical Services, Inc. Fulton County (OH) Court of Common Pleas No. 12CV000314. Gary Cowan and Kimberly Young, Mayfield, Heights, OH for plaintiff.

NPLDR No. A1609001

2004 BMW Motorcycle R1150R — House Sustains Fire Damage— Defense Verdict

The plaintiff's insured's motorcycle was left idling in his garage, as he went to answer a phone call in his house. About thirty minutes later, the smoke detector alarm activated and he returned to the garage to find the motorcycle on fire. The fire progressed to the home, causing considerable damage. The home insurer, Allstate Insurance Company, filed a subrogation action, seeking to recover amounts it had paid to the plaintiff. Plaintiffs alleged that BMW was responsible for the fire, because the motorcycle was defective in design and its warnings concerning the risk of fire were inadequate. Plaintiffs alleged that the motorcycle should have included an on-product

reminder-warning against idling at a standstill. Plaintiff alleged he was not aware that allowing the motorcycle to idle would result in fire, which he had done 30-40 times before the incident. Defendants denied liability and asserted that its warnings of the risk of fire were clear and adequate. Defendants contended that plaintiff had read the Rider's Manual when he purchased the motorcycle, and he had agreed at his deposition that the warning was clear, and specifically instructed him not to do what he did.

The jury returned a defense verdict.

Parvez Yazdani and Rzia Yazdani v. BMW of North America, LLC, BMW Motorrad USA. U.S. District Court E.D. Pennsylvania No. 2:15-CV-01427-TR. Raymond E. Mack and Patrick A. Hughes, Nelson, Levine, deLuca & Horst, Blue Bell, PA for plaintiffs. Keith D. Heinold and Michael Salvati, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA for defendants.

NPLDR No. A1609002

Recall — 2011-2014 Chrysler 200, 2010 Chrysler Sebring, 2010-2012 Dodge Caliber and 2010-2014 Jeep Patriot, Compass and Dodge Avenger. Chrysler is recalling 1,425,627 of these vehicles because the Occupant Restraint Control (OCR) module may short circuit, preventing the frontal air bags, seat belt pretensioners, and side air bags from deploying in the event of a crash. NHTSA. September 15, 2016.

NPLDR No. AR091639

Recall — 2010 - 2014 Legacy, Outback. Subaru of America, Inc. is recalling 592,647 2010-2014 Legacy vehicles manufactured November 26, 2008, to June 7, 2013, and 2010-2014 Outback vehicles manufactured January 9, 2009 to June 7, 2013. Due to contamination, components within the windshield wiper motor bottom cover may interfere with each other. If an obstruction, such as a buildup of snow or ice prevents the wiper arms from being able to stop in the parked position, the wiper motor may overheat and the bottom cover may melt. NHTSA. September 27, 2016.

NPLDR No. AR091642

Recall — 2016 Honda Civic. American Honda Motor Co. is recalling 350,083 of these two door and four door 1.5L turbo and 2.0L vehicles because the electric parking brake (EPB) may not engage if it is applied immediately after turning the ignition off. NHTSA. October 11, 2016.

NPLDR No. AR091661

Recall — 2009-2012 Audi Q5, and 2007-2012 Audi Q7. Volkswagen Group of America, Inc. is recalling 143,214 of these vehicles equipped with gasoline engines. The fuel cap flange on the affected vehicles may crack, allowing fuel to leak. NHTSA. September 13, 2016.

NPLDR No. AR091656

Recall — 2015-2016 Volkswagen Golf, Golf SportWagen, GTI, Audi A3 sedan and A3 Cabriolet. Volkswagen Group of America, Inc. is recalling 110,042 of these vehicles. Due to a problem with the suction pump inside the fuel tank, fuel may flow into the evaporative emissions (EVAP) system. NHTSA. September 7, 2016.

NPLDR No. AR091650

Recall — 2016 TT roadster, A3 cabriolet, A3 sedan and A3 e-tron, 2016-2017 TT coupe, 2017 A4 sedan and Q7 and 2015-2017 Q3. Volkswagen Group of America, Inc. is recalling 77,895 of these vehicles. The affected vehicles may have been programmed with new software that inadvertently makes the side marker lights inoperative in conjunction with the parking lights or the headlights. As such, these vehicles fail to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) number 108, "Lamps, Reflective Devices, and Associated Equipment." NHTSA. September 6, 2016.

NPLDR No. AR091636

Recall — 2013-2017 Ford Focus. Ford Motor Company is recalling 64,038 of these hatchback vehicles manufactured February 14, 2012, to August 26, 2016 and equipped with a manual transmission. The hatchback of the affected vehicles may be unlatched with a single press of the interior latch release button. As such, these vehicles fail to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) number 206, "Door Locks and Door Retention Components." NHTSA. September 28, 2016.

NPLDR No. AR091651

Recall — 2016-2017 Volvo XC90 and S90. Volvo Cars of North America, LLC (Volvo) is recalling 43,766 of these vehicles manufactured April 15, 2015 through September 19, 2016. In the affected vehicles, the drain hose for the air conditioning may leak into the passenger compartment due to a drain hose installation

error during manufacturing. NHTSA. September 26, 2016.

NPLDR No. AR091643

Recall — 2012-2013 Audi A6 and Audi A7. Volkswagen Group of America, Inc. is recalling 28,249 of these model vehicles because they have a fuel hose in the engine compartment that may degrade and leak fuel. NHTSA. September 7, 2016.

NPLDR No. AR091649

Recall — 2017 Audi Q7. Volkswagen Group of America, Inc. (Volkswagen) is recalling 19,205 of these vehicles manufactured August 30, 2015, to July 10, 2016. In the affected vehicles, the third row seat back may move forward under load, such as in a frontal collision. As such, the vehicles do not conform to Federal Motor Vehicle Safety Standard (FMVSS) number 207, “Seating Systems.” NHTSA. September 6, 2016.

NPLDR No. AR091647

Recall — 2017 Ford Escape Titanium and SE. Ford Motor Company is recalling 17,985 of these vehicles manufactured October 5, 2015, to May 12, 2016. The settings for the closing-force of the power-operated windows may allow the windows to close on an object such as a body part and injure it before the windows auto-reverse. As such, these vehicles fail to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) number 118, “Power-Operated Window Systems.” NHTSA. August 24, 2016.

NPLDR No. AR091629

Recall — Honda Motorcycles. American Honda Motor Co. is recalling 17,643 2014-2015 Grom 125 motorcycles manufactured June 12, 2013, to September 8, 2015, and 2014-2015 NSS300 & NSS300A motorcycles manufactured June 18, 2013 to March 19, 2015, because the resin bracket inside the fuel pump of the affected motorcycles may swell and cause the pump impeller to seize. NHTSA. September 14, 2016.

NPLDR No. AR091646

Recall — 2014-2016 Mazda3. Mazda Motors North American Operations is recalling 17,484 of these vehicles manufactured January 4, 2014, to September 18, 2015. The fuel tank of the affected vehicles may have been improperly handled during manufacturing and, as a result, the welded attachment of the Inlet Check Valve (ICV)

may fail and allow fuel to leak. NHTSA. September 23, 2016.

NPLDR No. AR091654

Recall — 2016 Kia Optima. Kia Motors America is recalling 12,214 of these vehicles manufactured November 13, 2015, to April 23, 2016 and equipped with a 2.4l engine. The right front axle driveshaft may crack and fail. NHTSA. October 3, 2016.

NPLDR No. AR091657

Recall — 2015 Discovery Sport, 2014-2015 Range Rover Evoque. Jaguar Land Rover North America, LCC is recalling 10,455 2015 Discovery Sport manufactured September 17, 2014 through November 3, 2014 and 2014-2015 Range Rover Evoque vehicles manufactured July 15, 2013 through July 1, 2015. In the affected vehicles the transmission sensor clusters may have insufficient crimps in the transmission wire harness, and as a result, the transmission may unexpectedly shift to neutral. NHTSA. August 23, 2016.

NPLDR No. AR091628

Recall — 2010-2013 Audi A8. Volkswagen Group of America, Inc. is recalling 9,067 of these vehicles manufactured May 15, 2010, to May 14, 2012. The affected vehicles have a coolant valve that may leak, allowing coolant to enter the engine control module causing a loss of power or the engine to stall. NHTSA. August 24, 2016.

NPLDR No. AR091631

Recall — 2007 - 2008 Hyundai Azera. Hyundai Motor Company 9,700 2007-2008 Azera vehicles manufactured March 7, 2007 through August 14, 2007. In the affected vehicles, the power-adjustable front driver seat may unexpectedly move without the driver’s input while the vehicle is being driven. NHTSA. August 31, 2016.

NPLDR No. AR091633

Recall — 2016 Toyota Prius. Toyota Motor Engineering and Manufacturing is recalling 7,589 of these vehicles manufactured November 30, 2015, to June 14, 2016. An air bag inflator manufacturing error may result in the inadvertent partial inflation of the front passenger air bag. NHTSA. September 16, 2016.

NPLDR No. AR091645

Recall — 2016 Mazda3. Mazda North American Operations is recalling 3,849 of these vehicles manufactured September 24, 2015, to October 16, 2015. During manu-

facturing, the fuel tanks for the affected vehicles may have deformed, resulting in a fuel leak from the recirculation pipe welded connection. NHTSA. September 23, 2016.

NPLDR No. AR091653

Recall — 2015 BMW X3 sDrive28i, X3 xDrive28i, X3 xDrive35i, X3 xDrive28d, X4 xDrive28i and X4 xDrive35i vehicles, and model year 2014-2015 X5 xDrive35i, X5 sDrive35i, X5 xDrive50i, and 2014 X5 xDrive35d. BMW of North America, LLC. is recalling 3,606 of these vehicles. The affected vehicles have a driver's frontal air bag inflator that may have been improperly welded. NHTSA. September 21, 2016.

NPLDR No. AR091644

Recall — 2015-2016 Transit. Ford Motor Company is recalling 2,013 of these vehicles manufactured July 15, 2015, to April 14, 2016 and equipped with a 3.2L diesel engine. A fuel injector or the fuel volume control valve may clog due to metallic debris within the fuel system. NHTSA. August 24, 2016.

NPLDR No. AR091630

Recall — 2014-2015 R nine T motorcycles. BMW of North America, LLC (BMW) is recalling 1,792 of these motorcycles manufactured November 27, 2013, through January 26, 2015 because the design of the rear turn signals may partially obscure the lights from being seen by the driver of a following vehicle. As such, these motorcycles fail to comply with the requirements of Federal Motor Vehicle Safety Standard number 108, "Lamps, Reflective Devices, and Associated Equipment." NHTSA. February 24, 2015.

NPLDR No. AR091626

Recall — 2016-2017 Ducati Xdiavel. Ducati North America (Ducati) is recalling 1,433 of these motorcycles manufactured July 7, 2015, to June 22, 2016. The affected motorcycles may have an insufficiently tightened final drive pulley retaining nut which may result in a loss of power transmission to the rear wheel. NHTSA. September 20, 2016.

NPLDR No. AR091655

Recall — 2014 Transit Connect. Ford Motor Company is recalling 1,398 of these vehicles manufactured October 4, 2013, to July 14, 2014 and equipped with a Panoramic Fixed-Glass Vista roof. The panoramic roof panel may have an inadequate bond to the vehicle, possibly resulting in the panel separating from the vehicle. NHTSA. September 26, 2016.

NPLDR No. AR091652



B. Consumer Products for Personal and Home Use

Holmes Quartz Model HQH307 Heater — Death — \$58.65 Million Verdict.

The plaintiff and his deceased wife went to sleep with a Holmes Quartz heater in their master bedroom. During the night, they awoke to the sound of the smoke alarm and saw that the heater and some clothing in front of it had caught fire. The plaintiff got the couple's three children out of the house. The plaintiff's wife died in the fire. Plaintiff alleged that the heater lacked adequate warnings and that Sunbeam knew the warnings were ineffective. Plaintiff alleged defendants knew that materials could inadvertently end up in front of or on the heater. Plaintiff claimed that the existence of sensor technology proved that Sunbeam knew its warning was ineffective. Plaintiffs alleged the heater lacked an on-product warning cautioning not to use the heater while sleeping. Plaintiff claimed that Sunbeam negligently designed the heater in that the safety shutoff would not work if combustible materials were close to but not blocking the unit. Defendants denied liability. Defendant contended that the heater met all UL standards. Defense argued that the plaintiffs failed to keep combustibles three feet from the heater.

The jury awarded plaintiffs \$58.65 million.

Plaintiff's Experts: Joseph H. Romig, fire cause/origin, Lafayette, CO; John Palmer, product design, Salt Lake City.

Defendant's Experts: John Loud, electrical engineer/product design, Menlo Park, CA; Ron Hall, fire cause/origin, Rancho Cordova, CA.

Kenneth Shinedling v. Sunbeam Products, Inc. U.S. District Court C.D. California No. 5:12-cv-00438. Arash Homampour and Corey C. Arzoumanian, Sherman Oaks, CA for plaintiff.

NPLDR No. B1609003

Recall — Sargent Art Tempera and Finger Paints.

Sargent Art, of Hazleton, Pennsylvania is recalling about 2.8 million units of 13 types of craft paints due to the possible presence of harmful bacteria. The recalled products are: Art-Time Tempera Paint, Art-Time Washable Finger Paint, Art-Time Washable Fluorescent Finger Paint, Art-Time Washable Fluorescent Tempera Paint, Art-Time Washable Glitter Finger Paint, Art-Time Washable Paint, Fluorescent Paint, Liquid Tempera Paint, Supreme Tempera Paint, Value Tem-

pera Paint, Washable Finger Paint, Washable Glitter Paint and Washable Tempera Paint CPSC. October 4, 2016. NPLDR No. BR091605

Recall — Tim3 Machin3 and Mini Tim3 Machin3 rice and slow cookers with fixed power cords. Sherwood Marketing, owner of the 3 Squares brand, LLC, of San Diego, California, is recalling some 175,000 of these appliances because improperly installed wiring can cause electrical shorting in the unit, posing fire and electric shock hazards. This recall involves 3 Squares-branded Tim3 Machin3 and Mini Tim3 Machin3 rice and slow cookers with fixed power cords. The 20-cup/4-quart or 8-cup/1.7-quart programmable electric cookers are stainless steel with black molded plastic, have a control panel/keypad on the front and measure about 11 inches in diameter and 12 inches tall. The 3Squares logo is printed on the front of the control panel. Model numbers starting with 3RC and ending in 3010S, 3020S, 3434, 5020 and 9010S are included in the recall. The model number is printed on a label on the side of the product. CPSC. October 18, 2016.

NPLDR No. BR091608

Recall — Husqvarna®, Poulan Pro®, Jonsered®, Craftsman®, Yardworks®, Murray®, and Brute® brand walk-behind gas powered lawn mowers with Briggs & Stratton 7.25 HP engines. Husqvarna Consumer Outdoor Products N.A. Inc., of Charlotte, North Carolina, is recalling about 235,000 of these mowers because the operator presence control bar can malfunction and cause the engine and blades to continue to operate when they should shut off, posing a laceration hazard to the operator. The recalled mowers were sold in red, orange, blue and yellow/black colors and have either four similar-sized wheels or two larger rear wheels and two smaller front wheels, a long handle with an operator presence control bar that is pushed down towards the mower handle to start the engine, a mowing deck, and may have come with or without a collecting bag in the rear. The brand names are printed on the mowers, and a Briggs & Stratton logo is printed on the engine shield. CPSC. October 18, 2016.

NPLDR No. BR091610



C. Industrial Products Used in Manufacturing or Fabricating Other Products

Conveyor Component — \$2.3 Million Verdict

The plaintiffs, a forty-eight year old man and a thirty-three year old man, were industrial equipment service technicians. Plaintiffs were installing a vertical conveyor system manufactured by defendant Pflow Industries. During the installation the conveyor's gate assembly tipped over and fell, injuring both men. The forty-eight year old plaintiff sustained multiple pelvic fractures; he was unable to work for approximately two years and could only return to light-duty work. The thirty-three year old plaintiff sustained a torn labrum and arthritis in his left shoulder, requiring three arthroscopic surgeries and possible future shoulder replacement. Plaintiffs alleged the manufacturer's assembly instructions failed to warn of the danger of the gate assembly falling and failed to instruct installers to temporarily brace the assembly during installation. The defense denied liability.

Plaintiffs were awarded \$2.3 million in damages.

Plaintiff's Expert: Daniel Pacheco, mechanical engineer.

Defendant's expert: Steven Hall, applied safety & ergonomics, San Francisco, CA.

Mark Shadley and Robert Pierotti v. Pflow Industries Inc. Cook County (IL) Circuit Court No. 10L-12623. Mark A. Brown and Scott D. Lane, Lane & Lane for plaintiffs. Brian J. Hunt, for defendants.

NPLDR NO. C1609004

Recall — Commercial Grade Food Dehydrators. Cabela's Inc., of Sidney, Nebraska, is recalling 3,000 of these items because defective wiring can cause a build-up of heat, posing a fire hazard. This recall involves Cabela's commercial grade 80-liter and 160-liter food dehydrators. The stainless steel dehydrators have model numbers 541549 on the 80 liter, and 541650 on the 160 liters. Model numbers are located on the back panel of the dehydrator. CPSC. October 20, 2016.

NPLDR No. CR091611



D. Industrial Products Used in Constructing Buildings, Structures and Roads

Five Foot Cuprum Aluminum Stepladder —Brain Injuries — \$11.14 Million Verdict

The plaintiff's husband, a sixty-four year old man was found on his driveway bleeding from the head and conscious but not responsive. The 5-foot Cuprum aluminum step ladder he was using tipped over while he was using it. The ladder had a deformed right front side rail below the first step and a deformed left rear leg. Plaintiff was taken to the hospital and diagnosed with bi-frontal brain contusions and a subarachnoid hemorrhage. He suffered respiratory failure, requiring a tracheotomy, and aspiration pneumonia. Plaintiff suffers from permanent cognitive deficits, and difficulty communicating and walking. He also suffers from seizures and quadriplegia, requiring 24-hour care with all daily living activities and resides in a nursing home. Plaintiff's wife, on his behalf, alleged that the ladder was defective and negligently designed in that it could collapse under a normal load. She alleged that a supporting gusset below the bottom step was of insufficient length and strength to support the ladder and a user when subjected to reasonable use. Defendant denied that the ladder was defective and contended that it met ANSI standards. Defendant claimed that plaintiff misused the ladder.

The jury awarded plaintiffs \$11.14 million in damages.

Plaintiff's Experts: Jack Vinson, ladders, Penn Valley, PA; Kevin Smith, mechanic engineering, Chicago, IL.

Defendant's Experts: Michael Van Bree, ladders, Aurora; Michael Stevenson, metallurgical/materials engineering, Norcross, GA.

John Baugh v. Cuprum S.A. de C.V. U.S. District Court N.D. Illinois No. 1:08-cv-04204. David C. Wise and Brian T. Monico, Chicago, IL for plaintiff.

NPLDR No. D1609005

Recall — Makita 5057KB 7-1/4" circular saw. Makita U.S.A. Inc., of La Mirada, California, is recalling about 450 of these saws because the lower blade guard can malfunction and expose the blade, posing a laceration hazard and risk of injury to the consumer. The model number and serial number are located on the black nameplate under the name "Makita." The saw's housing is a blue-green color and "Makita" is printed on the dust cover. The serial

number ranges included in this recall are: 12638-12737, 12978-13027, 13208-13257, 133322-13351, 13376-134505, 13578-13627, 13568-13707 and 13900-13979. CPSC. October 20, 2016.

NPLDR No. DR091612

Recall — 2015-2016 Aerial fire apparatus vehicles. Smeal Fire Apparatus Co., Inc. is recalling 6 of these vehicles manufactured October 1, 2015, to August 31, 2015, equipped with Class 1 Ultraview Touchscreens manufactured by Hale Products. These touchscreens may experience false switch activations that can happen without the operator's knowledge causing accessories to turn on or off, affecting vehicle performance. NHTSA. September 14, 2016.

NPLDR No. DR091640

Recall — 2014-2015 A65, A70, A75, A72-T, A77-T, and A82-T aerial devices. Altec Industries Inc (Altec) is recalling 219 of these aerial devices manufactured April 15, 2014, to October 15, 2015. The affected aerial devices have a fiberglass cover over the boom tip that may have an improperly sized opening. The improperly sized opening may allow the exposed metal tip of the boom to contact an electrically energized conductor, such as an overhead wire, increasing the risk of a injury to the boom operator. NHTSA. October 56, 2016.

NPLDR No. DR091658



E. Food and Products for Human Consumption

R.J. Reynolds Brand Cigarettes —Lung Cancer and Death — \$12 Million Verdict

The plaintiff's decedent, a sixty-one year old woman, began smoking cigarettes in the 1950s as a teenager. Eventually she smoked two packs every day. Decedent smoked R.J. Reynolds brand cigarettes, and failed to quit smoking several times. Plaintiff alleged defendant hid the dangers of smoking, causing his wife's nicotine addiction and ultimately her death. Defendant contended that decedent knew that smoking was bad for her and was reminded over the years by plaintiff, her children and warning labels. Defendant claimed decedent did not make any serious effort to quit smoking until the early 1990's, when she sought nicotine replacement. Decedent's death certificate and treatment records listed lung cancer, bone metastases and hypocalcaemia as causes of death.

The jury awarded plaintiff \$12 million in damages.

George Dion, on behalf of Marion Dion, deceased v. R.J. Reynolds. Sarasota County (FL) Circuit Court No. 13CA5673. Mark Millard & Brian Payne, Engstrom, Lipscomb & Lack, Los Angeles, CA; William Wichmann, Fort Lauderdale, FL for plaintiff. John Walker, Jack Williams, Jennifer Weizenecker & Stephen Paterson, Jones, Day, Atlanta, GA for defendant.

NPLDR No. E1609006

Recall — Nestlé Drumstick Club 16 count Variety Pack and 24 count Vanilla Pack. Nestlé USA, Inc. is recalling Nestlé Drumstick Club 16 count Variety Pack and 24 count Vanilla Pack (with cones marked for easy individual sale) due to a possible health risk. The two pack sizes contain 4.6 fl.oz. cones and were manufactured in Bakersfield, Calif. and distributed nationally. No other production codes, sizes or varieties of Nestlé Drumstick products are affected by this recall. FDA. October 7, 2016.

NPLDR No. ER091619

Recall — Osage Gardens Organic 2oz Micro Greens. Osage Gardens Inc. of New Castle, Colorado is recalling this product because it has the potential to be contaminated with *Salmonella*. FDA. October 8, 2016.

NPLDR No. ER091620

Recall — Publix Premium Chocolate Chip Cookie Dough Ice Cream. Aspen Hills, the supplier of the cookie dough pieces used as an ingredient in the Publix Chocolate Cookie Dough Ice Cream, notified Publix that some of their product could be contaminated with *Listeria monocytogenes*. Publix Super Markets is recalling Publix Premium Chocolate Chip Cookie Dough Ice Cream due to the possibility of the product containing *Listeria monocytogenes*. FDA. October 12, 2016.

NPLDR No. ER091621

Recall — Stewart's Sportade Fruit Punch Isotonic Beverage. Stewart's Shops Corp., of Saratoga Springs, New York is recalling Stewart's Sportade Fruit Punch Isotonic Beverage 20 fluid oz. because it may contain undeclared milk. People who have an allergy to milk run the risk of serious or life-threatening allergic reaction if they consume this product. FDA. October 26, 2016.

NPLDR No. ER091622

Recall — Original and Mint Varieties of Oreo Fudge Creme Products. Mondelez Global LLC of East Hanover, New Jersey, is recalling certain Oreo Fudge

Cremes product, Original and Mint varieties, due to milk allergen not being declared in the ingredient list. FDA. October 28, 2016.

NPLDR No. ER091623

Recall — Back to Nature Foods Items. Back to Nature Foods, LLC is recalling the following products because those products contain chocolate purchased from a third party supplier which was found to contain undeclared Milk that is not listed as an ingredient on the label. The products affected are:

- Chocolate Delight Granola, 11oz, UPC 19898-01201, Best By 12/25/16 - 7/27/17

- Dark Chocolate Coconut Granola, 11oz, UPC 19898-01225, Best By 5/9/17 - 8/14/17

- Chocolate Chunk Cookies, 9.5oz, UPC 19898-01100, Best By 5/8/17 - 5/12/17

- Mini Chocolate Chunk Cookies, 6 x 1.25oz, UPC 19898-01114 (Tray), 19898-01115 (Pouch), Best By 5/1/17

- Mini Chocolate Chunk Cookies, 100 x 1.25oz, UPC 19898-01148 (Case), 19898-01115 (Pouch), Best By 5/1/17

- Mini Chocolate Chunk Cookies, 9 x 2.5oz, UPC 19898-01144 (Caddy), 19898-01143 (Pouch), Best By 5/1/17. FDA. October 27, 2016.

NPLDR No ER019624

Recall — Fruit Preserves, Fruit Butter Products. Brownwood Farms, of Williamsburg, Michigan, is recalling approximately 260,000 total units of the following products because they contain undeclared milk. The affected products were distributed across the United States through distributors, retailers and on-line sales from the Brownwood Farms website. All products listed below with the referenced "Best by" dates are included in this recall. "Best by" dates are indicated on labels affixed to the bottom of all affected products. The affected products are all packaged in glass containers with metal lids.

- AMERICA'S ORIGINAL CHERRY BUTTER 12 oz. – UPC 018303-005011- with best by dates before 09/28/2018

- AMERICA'S ORIGINAL CHERRY BUTTER 22oz. – UPC 018303-005301- with best by dates before 09/28/2018

- AMERICA'S ORIGINAL CHERRY BUTTER – 1 Gallon - with best by dates before 09/28/2018

- CHERRY RASPBERRY PRESERVES 12 oz. – UPC 018303-005035 - with best by dates before 09/28/2018

● CHERRY RASPBERRY PRESERVES – 1 Gallon - with best by dates before 09/28/2018

● MICHIGAN CHERRY PRESERVES 12 oz. – UPC 018303-005028 - with best by dates before 09/28/2018

● MICHIGAN CHERRY PRESERVES – 1 Gallon - with best by dates before 09/28/2018

● PEAR AND CINNAMON PRESERVES 10 oz. – UPC 018303-005172 - with best by dates before 09/28/2018

● PEAR AND CINNAMON PRESERVES - 1 Gallon - with best by dates before 09/28/2018

● STRAWBERRY PRESERVES 12 oz. – UPC 018303-005059 - with best by dates before 09/28/2018

● STRAWBERRY PRESERVES - 1 Gallon - with best by dates before 09/28/2018

● JALAPENO CHERRY BUTTER – 12 oz. – UPC 018303 – 005134 - with best by dates before 09/28/2018

● JALAPENO CHERRY BUTTER – 20 oz. – UPC 018303 – 005325 - with best by dates before 09/28/2018

● JALAPENO CHERRY BUTTER – 1 Gallon – with best by dates before 09/28/2018. FDA. October 20, 2016.

NPLDR No. ER091625



F. Building Materials and Components

Rust-Oleum Epoxy Shield Floor Coating With Anti-Slip Finish —Back Injuries — Defense Verdict

The plaintiff slipped and fell while walking on a slippery portion of the garage floor in his home. He had previously signed a contract for the installation of a Rust-Oleum Epoxy Shield floor-coating with anti-slip finish for the floor. Technicians from Home Depot installed the flooring materials. Plaintiff alleged defendants negligently installed the System and that Home Depot was liable as the party that selected Rust-Oleum Service for the installation. Plaintiff claimed the flooring system was defective and was unreasonably dangerous in various ways. Defendants denied all allegations. Defense contended that plaintiff slipped and fell on ice on his driveway. Defendant contended that the system was properly installed by Rust-Oleum Service, a qualified installer. Plaintiff sought treatment three days after the incident. X-rays revealed a compression fracture at lumbar vertebra L2, an anterior disc herniation at L1-2, an annular tear at disc L4-5, and hip, groin and buttock pain. He also complained of residual leg weakness.

The jury returned a defense verdict.

Plaintiff's Expert: Joseph B. Mills, engineering, Mullica Hill, NJ.

Defendant's Expert: Scott D. Moore, engineering, Cherry Hill, NJ.

Brandon Gleeson and Michele Gleeson v. Home Depot USA Inc., Rust-Oleum Corp., et al. U.S. District Court, Connecticut No. 3:11-cv-00060-AVC. James Wu, Koskoff, Koskoff & Bieder, Danbury, CT for plaintiff. Andrew P. Fishkin and Steven Lucks, Fishkin, Lucks, Newark, NJ; William E. Murray, Gordon & Rees, Glastonbury, CT for defendants.

NPLDR No. F1609007



G. Aircraft and Watercraft

Defect Alleged — Boeing 737-600, -700, -700C, -800, -900 and -900ER. On October 13 the FAA announced that it proposes to adopt a new airworthiness directive for certain The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes due to reports of passenger service units (PSUs) becoming detached from the supporting airplane structure in several Model 737 airplane incidents that exceeded the design emergency load requirements for the PSUs. [81 Fed.Reg.] The proposed AD would require modifying the PSUs and life vest panels by removing the existing inboard lanyard and installing two new lanyards on the outboard edge of the PSUs and life vest panels. The agency says that it is proposing this AD to prevent PSUs and life vest panels from detaching from the supporting airplane structure, which could lead to passenger injuries and impede passenger and crew egress during evacuation.

The FAA estimates that there are 1,087 affected aircraft in the U.S. registry.

NPLDR No. GD091662



H. Sports and Recreational Equipment and Products

“Splash Mountain” Water — Head Injuries — Defense Verdict

The plaintiff, a seventeen year-old high school senior, was a passenger on *Splash Mountain*, a log flume ride at the Disneyland Resort, in Anaheim. Plaintiff alleged the log she and family members were in suddenly decelerated while going up one of the lifts, causing her to strike her face on the seatback in front of her. She alleged she subsequently sustained injuries to her head, face, and back. Plaintiffs alleged that Walt Disney Parks and Resorts defectively designed and manufactured the product, creating a dangerous condition. Plaintiff alleged that defendants failed to warn of the dangerous condition and was negligent in the operation of the ride. Plaintiff’s counsel alleged that the flapper valve on the log dislodged, causing excess water to go into the log. Counsel claimed that the lack of guest restraints on the ride may have been defective. Defense denied defendants were negligent, and contended that neither the attraction nor the log were defective in any respect. Counsel claimed that any excess water did not have an effect on either the ride forces or the ride experience of guests. Plaintiff was ultimately diagnosed with a possible cribriform plate fracture and a cerebral spinal fluid leak. She underwent multiple procedures and surgeries for approximately nine months.

The jury returned a defense verdict.

Plaintiff’s Expert: Edward M. Pribonic, amusement parks, Seal Beach, CA.

Defendant’s Experts: Thomas J. Szabo, biomechanical engineer, Long Beach, CA; Christine T. Wood, warnings/instructions, Menlo Park, CA.

John Vuksic, Leigh Ann Vuksic and Lindsey Vuksic v. Walt Disney Parks and Resorts, U.S., Inc. Orange County (CA) Superior Court NO. 30-2013-00692154-CU-PO-CJC. Brian K. Steward and Christian E. Bredeson, Collins, Collins, Muir & Stewart, Orange, CA for plaintiff. Gary A. Wolensky and Anne Marie Ellis, Buchalter, Nemer, Irvine, CA for defendants.

NPLDR No. H1609008

2013 Polaris Ranger 900 XP UTV — Multiple Injuries — Defense Verdict

The plaintiff, a thirty-seven year-old corrections officer, and her two children were traveling in a 2013 Polaris Ranger 900 XP. The plaintiff and a passenger were

seated in an aftermarket hunting high seat mounted toward the rear of the cargo bed and had no seat belt or rollover protection. As they were riding in the vehicle, the cargo bed unlatched and tilted backward, ejecting plaintiff and the passenger next to her. Plaintiff broke her neck and was paralyzed. The other passenger fractured her hip. The plaintiffs alleged the product was defective. The plaintiff’s engineering expert opined that the cargo bed’s latch would inadvertently unlatch during high seat use, and that an alternative latch would have made the vehicle safer. Defendant’s denied that the vehicle was defectively designed. Defense contended that plaintiffs misused the vehicle, and the vehicle was properly designed for its intended use. Defendants claimed that a high seat should never be used in this vehicle. The defense biomechanical expert opined that seat belts and helmets would have prevented the plaintiffs’ injuries. The jury returned a defense verdict.

Plaintiff’s Expert: Alex Roberts, automotive, Farmington, AR.

Defendant’s Expert: Dagmar Jewkes, biomechanics, Heber City, UT.

Charlie Campbell, individually and as next friend of S.R. and C.R., and Gina Wolff v. Polaris Industries, Inc., and Opalaris, LLC, et al. U.S. District Court W.D. Texas No. 1:14-cv-00891-SS. Ray Chester and Jessica Palvino, McGinnis, Lochridge & Kilgore, Austin, TX for plaintiff. T. Christopher Trent, Benjamin Allen, Scott McCarty and Stephen Douglas Pritchett, Jr., Johnson, Trent, West & Taylor, Houston, TX for defendants.

NPLDR No. H1609009

Recall — Breezer, Fuji Bicycles. Advanced Sports International, of Philadelphia, Pennsylvania, is recalling some 3,000 Fuji Absolute 1.3 Disc, Absolute 1.7 Dis, Absolute 1.7 Disc, ST, Absolute 2.1, Addy 27.5 1.3, Addy 27.5 1.5, Addy 27.5 1.7, Nevada 27.5 1.5, Nevada 37.5 1.7, Nevada 27.5 1.9, Traverse 1.9 ST and Police Special 19, as well as Breezer Downtown 3 ST, Downtown 7+, Downtown 7+ St, Downtown 8 and Downtown 8 ST bicycles because the top clamp of the seat post can crack, posing a fall hazard to the user. CPSC. September 27, 2016.

NPLDR No. HR091602

Recall — 2016 Specialized S-Works Venge Vias and Venge Pro Vias road bicycles. Specialized Bicycle Components Inc. (Specialized), of Morgan Hill, California, is recalling about 1,000 of these bicycles because the bicycles rear wheel can come out of the dropout caus-

ing fractures in the rear triangle; presenting an injury hazard to riders. CPSC. October 11, 2016.

NPLDR No. HR091606



I. Office Use Products or Products Used in Merchandising or Commercial Service Operations

Nail Salon Stool — Spinal Injuries — \$14,500 Settlement

The plaintiff, a forty-seven year-old secretary, was a customer at a manicure/pedicure salon. While she was waiting for a pedicure, she was instructed to sit on a stool by an employee of the salon. After she sat down on the stool, it broke and plaintiff fell to the floor. She suffered multiple injuries to her thigh, mid back and lower back. Plaintiff alleged that the company was negligent in failing to warn customers of the defective condition of the stool. Defendants denied liability, maintaining the salon employees were unaware of any defective condition and could not have known the stool would fail.

The parties settled for \$14,500.

Barbara Boyington v. Luv Manis & Pedis Livonia, LLC, Wayne County (MI) Circuit Court No. 5-005822-NO. Brian L. Fantich, Kelman & Fantich, Farmington Hills, MI for plaintiff. Diana Lee Khachaturian, Troy, MI for defendants.

NPLDR No. I1609010

Recall — Winsley Mid-Back Chairs. Office Depot, Inc., of Boca Raton, Florida, is recalling some 129,000 of these items because they can tip over when leaning back. The adjustable chairs come in black or white and have a silver base with five wheels. The recalled chairs have the Office Depot SKU number 388262 (black) or Nu907932 (white) or the OfficeMax item #25100033 (black) or #25100649 (white) and the US REG. No. CA40105 printed on a label located underneath the seat cushion. CPSC. October 4, 2016.

NPLDR No. IR091603



J. Drugs and Medical Devices

Zoloft — Birth Defects — Defense Verdict

The plaintiff, a twenty year-old woman, was taking a daily dose of Zoloft, when she became pregnant. Her baby boy was born with multiple heart defects, and was diagnosed at birth with transposition of the great arteries and an associated septal defect. Her baby was also born with patent ductus arteriosus. Plaintiff alleged that Pfizer was negligent and that its negligence was a proximate cause of the baby's injuries. Plaintiff alleged Pfizer knew or should have known through further testing that there were risks associated with the use of Zoloft. She claimed that Pfizer failed to adequately warn her prescribing physician of the risks of taking the drug while pregnant. Defense denied liability. Defendant's contended that Zoloft label consistently warned physicians of the potential risks of Zoloft associated with pregnancy. Defense pointed out that its Core Data Sheet makes clear that the drug can be taken during pregnancy and that the U.S. label was approved by the FDA.

The jury returned a defense verdict.

Plaintiff's Experts: Robert M. Cabrera, pediatric pathology, Austin, TX.

Logyn Pesante, by and through his Natural Mother and Next Friend, Kristyn Pesante v. Pfizer, Inc. _____ County (MO) Circuit Court No. 1222-CC02441-01. Shelley V. Hutson and Michael M. Gallagher, Clark, Love & Hutson, Houston, TX; Jeffrey J. Lowe, Carey, Danis & Lowe, St. Louis, MO; Joseph Zonies, Reilly, Pozner, Denver, CO for plaintiff. Beth A. Wilkinson, Andrew J. Ehrlich and Alexandra Walsh, Paul, Weiss, Rifkind, Wharton & Garrison, Washington, DC; Mark S. Cheffo, Quinn, Emanuel, Urquhat & Sullivan, Manhattan, NY; Mark C. Hegarty, Shook, Hardy & Bacon, Kansas City, MO for defendants.

NPLDR No. J1609013

Tylenol — Liver Damage — Defense Verdict

The plaintiff, a fifty-one year-old woman, was diagnosed with severe liver damage. In her suit she alleged that acetaminophen, the active ingredient in the drug Tylenol and Extra Strength Tylenol, caused her liver damage. Plaintiff alleged that she was hospitalized with elevated liver enzymes after inadvertently exceeding the daily recommended dose for Extra Strength Tylenol for a couple of days. Plaintiff alleged the companies knew of the health dangers from exceeding the daily dose of the

product but failed to adequately warn the public about those dangers on the label. Defendants contended plaintiff had failed to prove that she actually took the drug, and suggested that she also took a cold medicine and Aleve, prior to being hospitalized with elevated liver enzymes. Plaintiff's damages are permanent and she was a drastic loss of liver function. She is susceptible to total liver failure in the future.

The jury returned a defense verdict.

Regina Jackson v. McNeil PPC Inc., McNeil Consumer Health Care, and Johnson and Johnson Corp. Atlantic County (NJ) Superior Court No. ATL-L-880-13. Moshe Horn, Seeger, Weiss, New York, NY; R. Clay Milling, Henry, Spiegel, Milling, Atlanta, GA; Christopher Tisi, Ashcraft & Gerel, Alexandria, VA for plaintiff. Michael B. Hewes, G. Brian Jackson and Taylor B. Mayes, Butler, Snow, Nashville, TN; David R. Kott, McCarter & English, Newark, NJ for defendants.

NPLDR No. J1609012

Panega Spinal Fixation System Fails Leaving Patient with Disabling Back Pain – \$4.32 Million Verdict

The plaintiff, a sixty year-old man underwent spinal fusion, surgery during which the surgeon implanted the Pangea System designed and sold by Synthes USA Sales, LLC. After surgery, plaintiff's back pain continued, and x-rays revealed that his spine had failed to fuse. He underwent a revision surgery. During the revision, the surgeon discovered that the set screws in the locking caps had come loose, permitting the titanium rods to move. The plaintiff's back pain continued after the revision surgery. A third surgery revealed that his spine still had not fused and that the set screws in the locking caps had again loosened. The surgeon replaced the Pangea System with a different device, and fusion occurred soon after. Plaintiff now has severe, disabling low-back pain and weakness, requiring him to take painkillers and uses a cane or walker, and a wheelchair for longer distances. Plaintiff alleged the Pangea System was defective and claimed that there were other feasible alternative designs that would have prevented rod slippage. Defendants admitted that it was aware that the Pangea System's locking caps could fail but contended that the device's benefits outweighed its risks.

The jury awarded plaintiff \$4.32 million.

Plaintiff's Expert: Mari S. Truman, biomedical engineering, Warsaw, IN.

Jerome Kaczorowski v. Synthes USA Sales LLC. Cook County (IL) Circuit Court NO. 09L5974. Bruce D.

Goodman, Ronald W. Kalish and Sarah L. Riess, Chicago, IL for plaintiff.

NPLDR No. J1609011

Recall — Pipeline Embolization Device, Alligator Retrieval Device, X-Celerator Hydrophilic Guidewire, Ultraflow and Marathon Flow Directed Micro Catheters. Medtronic is recalling these items due to the potential separation and detachment of the polytetrafluoroethylene (PTFE) coating on parts of these devices. Should the PTFE separate from the delivery wire or stylets, PTFE particulate could enter the blood stream of the patient. FDA October 17, 2016.

NPLDR No. JR091614

Recall — 50mm 0.2 micron filters. Baxter International Inc. of Deerfield, Illinois, is recalling all unexpired lots of 50mm 0.2 micron filters (product code H93835) due to the potential for a missing filter support membrane and for potential presence of particulate matter. These issues are associated with a component manufactured by an external supplier, and were identified prior to patient involvement as a result of complaints from customers at compounding facilities. FDA. October 3, 2016.

NPLDR No. JR091616

Recall — Twin-Pass Dual Access catheters. Vascular Solutions, Inc., is recalling Twin-Pass Dual Access catheters used in catheterization procedures. All unexpired lots of the product have been recalled because there is a potential for excess manufacturing material to remain at the tip of the catheter or within the distal portion of the rapid exchange lumen. It is possible that the excess material may separate from the catheter during use and pose a potential risk of embolism, which could result in serious injury or death. No injuries have been reported in association with this issue to date. FDA. October 24, 2016.

NPLDR No. JR091617

Recall — I.V. Flush Syringes. Nurse Assist, Inc. is recalling all unexpired lots of this product due to a potential link to *Burkholderia cepacia* bloodstream infections with the product. According to the U.S. Centers for Disease Control and Prevention (CDC), the effects of *Burkholderia cepacia* on people 'vary widely, ranging from no symptoms at all to serious respiratory infections, especially in patients with cystic fibrosis. FDA. October 4, 2016.

NPLDR No. JR091618



K. Agricultural and Gardening Machinery and Products

Recall — CESAR® Classics Filet Mignon Flavor Wet Dog Food. Mars Petcare US of Franklin, Tennessee, is recalling a limited number of CESAR Classics Filet Mignon Flavor product due to a potential choking risk from hard white pieces of plastic which entered the food during the production process. CESAR Classics Filet Mignon can be purchased individually, as well as, in flavor variety multipacks. FDA. October 11, 2016.

NPLDR No. KR091615

Recall — Beaver Woodchipper Trailers. Morbark Inc. is recalling 813 2013-2016 Beaver M15R wood-chipper trailers manufactured February 6, 2013, to August 3, 2016, and Beaver M20R wood-chipper trailers manufactured January 5, 2009, to August 3, 2016. The stop lights and tail lights on the affected vehicles may be located too high to be easily seen. As such, these vehicles fail to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) number 108, “Lamps, Reflective Devices, and Associated Equipment.” NHTSA. August 23, 2016.

NPLDR No. KR091627

Recall — Beaver Woodchipper Trailers. Morbark Inc. is recalling 813 2013-2016 Beaver M15R wood-chipper trailers manufactured February 6, 2013, to August 3, 2016, and Beaver M20R wood-chipper trailers manufactured January 5, 2009, to August 3, 2016. The stop lights and tail lights on the affected vehicles may be located too high to be easily seen. As such, these vehicles fail to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) number 108, “Lamps, Reflective Devices, and Associated Equipment.” NHTSA. August 23, 2016.

NPLDR No. KR091627



L. Electronic and Electrical Equipment

Recall — Halloween-Themed Gel Clings. Target Corp., of Minneapolis, Minnesota, is recalling about 127,000 of these items because the gel clings can separate and expose the inner decal and LED/button battery compartment, posing choking and button battery ingestion hazards to children. This recall involves six different Halloween-themed LED gel clings that come with two non-replaceable button cell batteries. The gel clings are for window use only and light up with a blinking light when you push on them. The six different gel cling designs are a green skeleton, pink skeleton, purple spider, black cat, orange pumpkin, and black bat. Model number 234-25-0904 is printed on the gel cling’s packaging. CPSC. October 20, 2016.

NPLDR No. LR091613



N. Chemicals, Solvents, Cleaners & Compounds

Benzene — Cancer — Defense Verdict

The plaintiff, a forty-eight year-old man, was diagnosed with leukemia in 2011. He alleged his cancer was caused by exposure to paints and solvents used during his career at a number of places of employment during the last fifteen years, including lawn and garden shops that carried John Deere equipment. Plaintiff claimed the products that contained benzene, caused him develop leukemia. Defendant’s denied liability, contending that the company did not make any of the products itself. Defendants claimed that its products were not unreasonably dangerous. The jury returned a defense verdict.

Plaintiff’s Expert: Stephen Petty, industrial hygienist, Columbus, OH.

Defendant’s Expert: John Spencer, industrial hygienist, Baltimore, MD.

Wade Wiederhold v. Deer & Company. Jackson County (MO) Circuit Court No. 1316-cv13192. Al Stewart, Lee Leshner and Stephanie Sherman, Allen, Stewart, Dallas, TX; Lon Walter and Christin DiMartino, Walters Law Firm, Kansas City, MO for plaintiff. Matthew J. Fischer and Brian O. Watson, Riley, Safer, Holmes & Cancila, Chicago, IL for defendants.

NPLDR No. N1609014



P. Railroad, Transit, Pipeline and Other Transportation Products

2004 Kenworth Water Truck — Defense Verdict

The plaintiff, a forty-five year-old truck driver, crashed his truck into the back of a road grader. He alleged the truck's brakes failed on a steep grade. Defendants contended that the truck was inspected prior to modifications and found all systems including the braking system to be functioning properly. Plaintiff alleged the modifications constituted a defective design, and that the brakes were inadequate to handle a load in excess of its GVWR. Defendant's denied liability.

The jury returned a defense verdict.

Defendant's Expert: Lloyd Walker, mechanic, Choteau, MT.

Christopher Schatz v. Bouma Truck Sales and Yellowiron Rentals. _____ County (MT) District Court No. BDV-14-119. Lucas Foust, Bozeman, for plaintiff. Will Ballew & Nathan Huey, Spoon, Gordon, Ballew, Missoula; Maxon Davis & Derek Oestreicher, Davis, Hatley, Hafferman & Tighe, Great Falls, for defendants.

NPLDR No. P1609015

Recall — 2015-2017 Thomas Built Buses Safe-T-Liner C2, Saf-T-Liner HDX, Saf-T-Liner EFX, and Minotour DRW school buses. Daimler Trucks North America LLC (DTNA) is recalling 958 of these buses manufactured July 15, 2014, to July 21, 2016, and equipped with certain model S2005, S2010, S5005, S5010, S5505, and S5510 wheelchair lifts by Ricon. The affected lifts are equipped with folding link arms that may have pivot holes that are too big, allowing the bearings to move out of position. NHTSA. August 31, 2016.

NPLDR No. PR091632

Recall — 2014-2017 Freightliner M2 Business Class, 108 SD, 114 SD, Cascadia, Coronado, Western Star 4700, 4800, and 5700 XE Trucks. Daimler Trucks North America LLC is recalling 156 of these trucks manufactured March 15, 2013, to July 29, 2016 and equipped with Conmet aluminum non-high capacity hubs. These vehicles specify a front axle weight limit that may be greater than that of the hub capacity. As a result, the hub may fail and the wheel may separate from the axle. NHTSA. August 31, 2016.

NPLDR No. PR091634

Recall — 2015-2016 Mini 5-Car Hauler trailers. Kaufman Trailers is recalling 285 of these trailers [model FE-3/7K-44] manufactured July 1, 2015, to August 24, 2016. During use, the suspension spring eye may break, and allow the axle to slide back and forth. NHTSA. September 1, 2016.

NPLDR No. PR001635

Recall — 2013-2017 Freightliner Cascadia. Daimler Trucks North America, LLC. is recalling 1007 of these trucks manufactured September 24, 2012, to May 27, 2015 and equipped with compressed natural gas (CNG) engines. The affected vehicles have a Power Distribution Module (PDM) that is mounted near the CNG fuel tank. Due to its location, the PDM may be sprayed with water and contaminants from the road, possibly causing the PDM to short circuit. NHTSA. September 13, 2016.

NPLDR No. PR091637

Recall — 2017 Thomas Built Buses Saf-T-Liner C2 school buses. Daimler Trucks North America, LLC is recalling 114 of these school buses manufactured April 30, 2016, to July 29, 2016 and equipped with a compressed natural gas (CNG) engine. During a fast fuel fill, an internal seal on a filling valve may dislodge allowing fuel to leak after the tank has been filled. NHTSA. September 13, 2016.

NPLDR No. PR091638

Recall — 2014-2016 Gillig 29-foot Low Floor Transit Buses. Gillig LLC is recalling 34 of these transit buses manufactured November 20, 2014, to February 11, 2016. These buses, equipped with disc brakes, have rear brake hoses that can rub chassis components and fray. NHTSA. September 14, 2016.

NPLDR No. PR091641

Recall — 2016-2017 Thomas Built Buses Saf-T-Liner C2 school buses. Daimler Trucks North America, LLC is recalling 1,621 of these buses manufactured November 25, 2015, to September 8, 2016, equipped with ICU3s instrument clusters and hydraulic brakes. In the event of a brake malfunction, these clusters may illuminate the Brake System Malfunction telltale/indicator lamp with the word "PARK" instead of the word "BRAKE". As such, these vehicles fail to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) number 101, "Control and Displays," and number 105, "Hydraulic

and Electric Brake Systems.” NHTSA. September 14, 2016.

NPLDR No. PR091648

Recall — 2014-2017 Western Star 4900 and 5700 trucks. Daimler Trucks North America LLC is recalling 1,944 of these trucks manufactured March 22, 2013, to September 23, 2016 and equipped with a Stratosphere sleeper cab. The seat belt mounting plate may have a drill hole that is too large. NHTSA. October 5, 2016.

NPLDR No. PR091659

Recall — 2017 Thomas Built Buses Saf-T-Liner C2 school bus chassis. Daimler Trucks North America, LLC is recalling 162 of these chassis manufactured November 25, 2015, through April 27, 2016. The brake transmission shift interlock feature may be inoperable making it possible to shift into a drive gear without first pressing the brake pedal. NHTSA. October 5, 2016.

NPLDR No. PR091660



Q. Toys and Children's Products

Recall — Mamas & Papas' Armadillo Flip and Armadillo Flip XT strollers. Mamas & Papas Ltd, of UK is recalling about 3,000 of these items because a loose latch on the stroller can cause the seat to tip back unexpectedly when infant is in the parent-facing position, posing a fall hazard to infants. All models are folding, single-occupant infant strollers. The strollers come in various colors including black, teal and navy and weigh about 22 pounds. Recalled items can be identified by their lot number, which is the month and year of manufacture. Lot numbers ranges for recalled Armadillo Flip strollers are 00814 through 00416 (August 2014 through April 2016). Lot number ranges for the Flip XT are 01214 through 00416 (December 2014 through April 2016). The lot number is printed on the sewn-in label on the stroller. CPSC. October 12, 2016.

NPLDR No. QR091607



R. Measuring, Analyzing and Controlling Instruments and Devices

Recall — PE12 PoolEye submersible swimming pool alarms. SmartPool LLC, of Lakewood, New Jersey, is recalling some 1,600 of these devices because the ON/OFF activation switch on the pool alarm is reversed, which can cause the alarm to fail to alert consumers if a child enters the water. This recall includes the PE12 PoolEye submersible swimming pool alarms for above-ground pools. The submersible gray pool alarm consists of two attached components, a sensor tube with a float switch that is submerged under water and an audible sensor that is fixed to the outside of the pool. The siren has an ON/OFF activation switch. PoolEye is printed on the front of the siren. PE12 is printed on the manual and UPC code 628208165125 is printed on the product packaging. CPSC, September 27, 2016.

NPLDR No. RR091601

Recall — Interlogix ® wireless personal panic devices. Interlogix, of Lincolnton, North Carolina, is recalling about 67,000 of these devices because they may fail to operate, which could result in the device not communicating with the security system if activated in the event of an emergency. The product is a wrist band or necklace panic button, used to activate a security control panel within range in the event of a personal emergency or injury. These devices were sold as an accessory with professionally installed home security systems. They were sold in black and white and include model and UPC numbers: TX-4200-01-1 (white; UPC 7-82136-72342-7) and TX-4200-01-2 (black; UPC 7-82136-72343-4). The model number is printed on the underside of the device. Both the model number and the UPC number are printed on the packaging. CPSC. October 4, 2016.

NPLDR No. RR091604

Recall — TUSA DC Solar Link IQ1204 diving computers. Tabata USA Inc. (TUSA), of Long Beach, California, is recalling about 175 of these items because they can malfunction and display an incorrect reading to the diver, posing a drowning and injury hazard due to decompression sickness. The black or white and blue wrist-watch style diving computers have a digital screen. TUSA is printed on the front of the diving computer. The model number and serial number is printed on the back of the diving computer below “TUSA DC Solar Link.” Re-

called diving computers have serial numbers 6TA0001 – 6TA2864. CPSC. October 18, 2016.

NPLDR No. RR091609



S. Asbestos

Honeywell Brakes — Mesothelioma — Defense Verdict

The plaintiff, an eighty-six year old man, was diagnosed with mesothelioma related to asbestos exposure in April of 2014. Plaintiff alleged his exposure as a worker at a Chattanooga brake manufacturing facility of the Honeywell Corporation caused the disease. The defense contended that his illness was caused by a 1950's exposure when he worked at the Volunteer Army Ammunition Plant ripping out insulation. Plaintiff died in early 2015 from the disease.

The jury returned a defense verdict.

Plaintiff's Expert: Leonard Vance, industrial hygiene, Richmond, VA.

Defendant's Expert: Robert Adams, industrial hygiene, Park Ridge, IL.

Edward Catlett v. Bendix. Hamilton County (TN) Circuit Court No. 14-771. John E. Guerry, III, Motley, rice, Charleston, SC; Jimmy Rodgers, Summers, Rufulo & Rogers, Chattanooga, TN for plaintiff. Dennis J. Dobbels, Polsinelli, Kansas City, MO; Michael K. Atkins, King, Baker, O'Kane, Atkins & Thompson, Knoxville, TN for defendant.

NPLDR No. S1609016

Ford Products — Mesothelioma — Defense Verdict

The plaintiff's decedent, a sixty-three year-old business manager, died of mesothelioma on April 8, 2012. Plaintiff claimed that decedent was employed as a mechanic at various Ford dealerships, where he worked with and around asbestos-containing vehicles, brakes, clutches and gaskets on a daily basis, and brought home asbestos fibers on his work uniform. Plaintiff alleged decedent developed mesothelioma as a result of exposure to asbestos on a daily basis. Plaintiff alleged Ford knew of the dangers of asbestos both before and during the time plaintiff worked as a Ford mechanic. Plaintiff also alleged that Ford did not adequately warn of the dangers and decedent/plaintiff were both exposed to asbestos throughout his career. Ford Company denied liability and contended decedent's exposure as the wife of an automobile mechanic was not supported by the published epidemiologic literature. The defense expert toxicologist opined that it was not possible to conclude decedent had mesothelioma,

and that it was not possible to conclude that it was related to asbestos exposure.

The jury returned a defense verdict.

Plaintiff's Experts: Arthur L. Frank, occupational medicine, Philadelphia, PA; Gerald Markowitz, asbestos, New York, NY; David Rosner, public health, New York, NY.

Defendant's Experts: Richard P. Garrison, industrial hygiene, Ann Arbor, MI; Mark A. Roberts, epidemiology, Chicago, IL.

Larry English, for the Estate of Sherry L. English, deceased et al v. Borg-Warner Corp., et al. Allegheny County (PA) Court of Common Pleas No. GD-13-022072. Jerome H. Block, Levy, Konigsberg, New York, NY; Steven D. Rineberg, Maune, Raichle, Hartley, French & Mudd, St. Louis, MO for plaintiff. Harry S. Johnson, Whiteford, Taylor, Preston, Baltimore, MD; Daniel J. Sinclair, Eckert, Seamans, Cherin & Mellott, Pittsburgh, PA for defendants.

NPLDR No. S1609017