

SUMMARY STATEMENT

Black v. DJO Global, Inc.

Docket No. 47812

This appeal concerns a summary judgment ruling in a product liability case. Linda Black sustained second-degree burns while undergoing electrotherapeutic treatment. She brought a product liability action against the manufacturer of the electrode pads that were used during her treatment. The manufacturer moved for summary judgment on the basis that Black was unable to show the electrode pads were defective. The district court granted summary judgment in favor of the manufacturer after ruling that: (1) a physical therapist's conclusory statements were inadmissible because he was not qualified to testify about latent defects in electrode pads; (2) the doctrine of *res ipsa loquitur* was not applicable; and (3) Black's prima facie case failed because there was evidence of abnormal use of the electrode pads and other reasonable secondary causes that could have contributed to Black's injury.

The Idaho Supreme Court: (1) affirmed the district court's ruling concerning the admissibility of the physical therapist's statements; (2) held that the doctrine of *res ipsa loquitur* did not apply to the case at bar; and (3) affirmed the district court's decision granting summary judgment in favor of the manufacturer.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.