



Kelley Drye Successfully Represents Brunswick Corporation

January 15, 2008

Kelley Drye obtained a win for Brunswick Corporation, in an action brought in the Circuit Court of Orange County, Florida, and subsequently removed to the United States District Court for the Middle District of Florida. The plaintiff claimed he had been injured while using a piece of strength equipment manufactured by Brunswick Corporation. The complaint alleged negligence, product liability and breach of warranty of fitness for a particular purpose.

Kelley Drye successfully argued that plaintiff could not establish causation or product defect as a matter of law. The Court also agreed with Kelley Drye that there was insufficient evidence of privity of contract between Brunswick Corporation and the plaintiff to support a breach of warranty action under Florida law. The Court granted Brunswick Corporation's summary judgment motion on all counts asserted against it.

Associate Matt Luzadder assisted in handling this matter.