

Product Liability

Design defect of fuel gel/firepot product and failure to warn

Settlement Amount: Confidential

Court: 101st District Court, Dallas County, Texas

Judge: The Honorable Judge Martin Lowy

Plaintiff Attorneys: Lee Brown and Anjulie Ponce, The Brown Law Firm, Dallas, Texas

Defense Attorneys: John Browning and Ryan Cole, Lewis Brisbois Bisgaard & Smith LLP, Dallas, Texas; Edward McAfee, Lewis Brisbois Bisgaard & Smith LLP, Atlanta, Georgia

Facts & Allegations:

Plaintiff sustained painful, deep, partial thickness, second and third degree burns caused by NAPAFire Citronella Pourable Eco-Gel Fuel, when her husband tried to refuel a NAPA FIRElites firepot on their outdoor patio. He had earlier extinguished the flame in the firepot using the supplied snuffer and had allowed a significant of time to pass before attempting to refuel it. The firepot appeared empty and without a flame. When he tried to refuel the firepot, there was a large explosion, which caused ignited gel fuel to splatter onto Plaintiff and stick to her like Napalm. The flames could not be extinguished with water or by smothering. The gel fuel was recalled in June 2011 because of the severe fire and burn risks to consumers.

Plaintiffs brought negligence and strict liability claims against defendants Redenta's Inc. and Apollo Industries, Inc. for design defect and failure to warn.

The defendants argued that the fuel gel and firepot products were not defective, that the warnings were sufficient, that any danger was open and obvious, and that the explosion must have happened because of user error.