

Product Liability Case Dismissed

Plaintiff: Robinson

v.

Defendants: Terra Footwear Limited et al.

Defendants' Counsel, Barbara Harnum and Keri Ridley, Chomicki Baril Mah LLP

The Court of Queen's Bench of Alberta recently dismissed a claim for injuries arising from a slip and fall situation where the Plaintiff alleged that the workboot he was wearing caused the slip and fall. The Plaintiff alleged that the Defendant manufacturers were negligent in designing the workboot and in using polyurethane as a soling material. The Plaintiff dislocated his shoulder as a result of the slip and fall. In dismissing the case, Justice Ross noted that the Plaintiff had not met the onus required of the Plaintiff in product liability cases. The Plaintiff had not established that the Defendants were liable. Justice Ross referred to the *Suzuki* case and noted that the Plaintiff had not presented sufficient evidence. The Plaintiff had failed to prove the workboot was defective and had failed to prove that there were other reasonable alternatives available. There was no contractual liability. The workboot was not unfit for the purpose for which it was sold. The Plaintiff had not proven a duty to warn.

Costs were awarded to the Defendants.