

Texas Appellate Court Rules Component Part Manufacturer's Product Not Defective, Affirms Directed Verdict

Product Liability Advisory

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In *Crenshaw v. Kennedy Wire Rope & Sling Co.*, ___ S.W.3d ___, 2010 WL 2601662 (Tex. App.—San Antonio, June 30, 2010), the San Antonio Court of Appeals held the trial court's directed verdict was proper as to the component part manufacturer because its product (a hook integrated into a wire rope sling) was not itself defective apart from the final product. Thus, the component part manufacturer cannot be held liable for the defective final product under Texas law because the component part manufacturer did not participate in the integration of the component part into the final product. This decision reaffirms the current state of Texas authority that a component part that is not itself defective and is appropriate for certain other applications does not become "defective" simply because it was used in an inappropriate application.

Plaintiffs were various family members of a worker who was fatally injured while working on a drilling rig. The worker was moving two casing bails with the use of a braided wire rope sling. The sling was attached to the bail by a sliding choker hook while the other end was connected to the hoist on the rig. The accident occurred when the bails disengaged from the sling and struck the worker. Plaintiffs alleged the sling and hook were both defectively designed and brought suit against the component part manufacturer of the hook and the final product manufacturer of the integrated wire rope sling.

The first issue for the jury to decide was whether a common law marriage existed between one of the plaintiffs bringing suit and the deceased worker. The jury answered in the negative the question of whether they were married, and therefore did not answer the remaining questions related to liability, proportionate responsibility and damages.

On appeal, the San Antonio Court of Appeals first found the trial court erred in the instruction on common law marriage. Thus, the appellate court then analyzed the liability of the component part manufacturer (hook) as well as the final product manufacturer (integrated wire rope sling). As to the component part manufacturer, the court relied on the longstanding principle that a component part manufacturer that did not participate in the integration of the component part into the final product is not liable for any defects in the final product if the component itself is not defective.

Here, the appellate court found the evidence presented at trial did not raise a fact issue as to whether the hook was itself defective—apart from the final product for the hook had other proper applications. Thus, because the component part manufacturer did not participate in the integration of the hook into the final product, the appellate court affirmed the directed verdict on liability and rendered a take-nothing judgment in favor of the component part manufacturer. However, the appellate court concluded there was competent summary judgment evidence

presented at trial on whether the final product was defectively designed; and thus the appellate court remanded the case to the trial court as to the final product manufacturer.

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