

Florida appeals court overturns summary judgment in Taurus wrongful death lawsuit

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The Third District Court of Appeal for Florida overturned a summary judgment against the plaintiffs in a wrongful death lawsuit against Taurus International Manufacturing. The lawsuit stemmed from the death of Nelson Martinez Jr., who died from a gunshot wound to the head.

Martinez's parents allege that his death was caused by a defect in the Taurus pistol he purchased several months prior. They also allege that Taurus pistols had faulty safety mechanisms that allowed them to fire when dropped even with the safety engaged.

A trial judge issued a summary judgment against Martinez's parents, finding that Taurus was immune from the wrongful death action because of the federal Protection of Lawful Commerce in Arms Act. The appellate court, however, found that the trial court erred in declaring the lawsuit was precluded by the act's immunity provision.

Patricia Kipnis of Bailey Glasser's Cherry Hill, New Jersey, office and David Selby of the firm's Birmingham, Alabama, office represent the Martinezes.

The lawsuit now goes back to the trial court.

2018.07.25 - 3DCA Order (Martinez)

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Practice Areas

Personal Injury & Product Liability