

PROFESSIONAL RESOURCES

TEXT SIZE A A A

Home > Professional Resources > Publications > Products Liability Law Reporter > Oct/Nov 2012 > Update - November 2012 > Exercise ball bursts during training session

PRODUCTS LIABILITY LAW REPORTER

Search Publications:



Entire AAJ Web Site

AAJ Publications Only

Browse Products Liability Law Reporter:

Article Guidelines

Submit Your Case

Contact the Editors

FAQ

Advertise

Past Issues

Sample Issue

Indexes

CASE IN POINT

November 13, 2012

Exercise ball bursts during training session

The plaintiff alleged strict liability, negligence, and breach of warranty claims against the ball's manufacturer and distributors. Suit claimed the defendants were aware of the danger of using the ball with weights but failed to warn users. Garcia v. M-F Athletic Co.



Francisco Garcia, a basketball player with the Sacramento Kings, was using a Gymnic Burst Resistant Plus Stability Ball during training camp. As he was balancing on the ball while performing a bench-press-type activity with dumbbells, the ball exploded suddenly. He fell to the ground with weights in each hand.

Garcia, 29, suffered a fractured right wrist with dislocation of the distal radioulnar joint. He underwent open reduction internal fixation surgery, including implantation of a metal plate, and

missed most of the season's games. Although he was able to resume playing with the team, he has had to learn how to shoot the ball differently because of restricted range of motion in his wrist. He has also had to alter his workout routine to avoid stress on the joint.

Garcia sued the Italian manufacturer of the exercise ball, Ledraplastic S.p.a.; and the distributors, M-F Athletic Co. and Ball Dynamics International, LLC, asserting strict liability, negligence, and breach of warranty. The team also brought suit, seeking damages for the \$4 million in salary it reportedly paid Garcia while he was injured, and the two cases were consolidated. The plaintiffs alleged, among other claims, that the defendants marketed the ball as being suitable for use with weights, as having a 600-pound capacity, and as being "burst resistant" when it failed under less than 600 pounds of force. The plaintiffs also asserted that the defendants were aware of the danger of using the ball with weights but failed to warn users. The plaintiffs were prepared to show that there were multiple prior lawsuits against the defendants in which the ball was alleged to have burst.

The parties settled for a confidential amount. As a condition of the settlement, the manufacturer agreed to circulate a letter reminding its distributors that Gymnic fit balls should never be used with weights and advising the distributors to forward the letter to their customers as soon as possible.

Citation: *Garcia v. M-F Athletic Co.*, No. 2:10-cv-03210 (E.D. Cal. Oct. 17, 2012).

Kings' counsel: AAJ member Roger A. Dreyer, Sacramento, Calif.

Garcia's counsel: AAJ members Brian J. Panish and Robert S. Glassman, both of Los Angeles.

Share this page on any of these social networking sites:

Facebook

Twitter

LinkedIn

AAJ SPECIALTY LAW REPORTERS

Class Action Law Reporter and Motor Vehicle Law Reporter

SUBSCRIBE ONLINE »

SUBSCRIBE BY FAX OR MAIL

Products Liability Law Reporter

SUBSCRIBE BY JOINING

SECTION »

Professional Negligence Law Reporter

SUBSCRIBE BY JOINING

SECTION »

LAW REPORTER PRODUCTS

- Abstract Sets
- Court Documents
- Injury Collections

GET MORE INFO »

SEARCH THE EXCHANGE »