

MICHAEL MICHAUD et al.

v.

ELECTROLUX

Argued January 16, 2007  
Decided February 13, 2007

Panel: CLIFFORD, DANA, ALEXANDER, CALKINS, LEVY, and SILVER, JJ.

#### MEMORANDUM OF DECISION

Electrolux appeals from a judgment entered after a jury trial in the Superior Court (York County, *Fritzsche, J.*) in favor of Michael and Lori Michaud on theories of negligence, product liability, and breach of implied warranty of merchantability. Contrary to Electrolux's contentions, the court did not err or abuse its discretion by (1) denying a motion in limine that challenged the qualifications and reliability of the Michauds' expert witness, *see Searles v. Fleetwood Homes of Pa., Inc.*, 2005 ME 94, ¶¶ 21-24, 878 A.2d 509, 515-16; or (2) admitting evidence that was reasonably

extrapolated from the expert's report and deposition, *see Coyne v. Peace*, 2004 ME 150, ¶ 13, 863 A.2d 885, 889-90.

The Michauds met their burden of proof as to all the elements of (1) the claim of product liability, *see Pottle v. Up-Right, Inc.*, 628 A.2d 672, 674-75 (Me. 1993); and (2) the claim of breach of implied warranty of merchantability, *see Lorfano v. Dura Stone Steps, Inc.*, 569 A.2d 195, 197 (Me. 1990). Therefore, as to both of those claims, the court neither erred in denying Electrolux's motion for judgment as a matter of law, *see Budzko v. One City Ctr. Assocs. Ltd. P'ship*, 2001 ME 37, ¶ 9, 767 A.2d 310, 313, nor abused its discretion in denying Electrolux's motion for a new trial, *see Taylor v. Lapomarda*, 1997 ME 216, ¶ 5, 702 A.2d 685, 687. Because we affirm the judgment on the claims of product liability and breach of implied warranty of merchantability, any error with regard to the plaintiffs' claim of negligence was harmless. *See* M.R. Civ. P. 61.

The entry is:

Judgment affirmed.

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