

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LARRY DALE CROUCH,)
RHONDA MAE CROUCH,)
TEDDY LEE HUDSON, and)
CAROLYN SUE HUDSON,)

Plaintiffs,)

v.)

Civil Action No. 10-00072-KD-N

TELEDYNE CONTINENTAL MOTORS,)
INC.,)

Defendant.)

ORDER

This action is before the Court on Defendant Teledyne Continental Motors, Inc.’s motion to strike and exclude expert testimony regarding Plaintiffs’ failure to warn claim (doc. 240) and Plaintiffs’ response in opposition (doc. 260). By separate order, the Court has addressed the exclusion of expert testimony on Plaintiff’s failure to warn claim. The Court now considers TCM’s argument that it has no duty to warn under the substantive law of Kentucky, specifically, the component parts doctrine, or the applicable Federal Aviation Administration Regulations.

TCM argues that under Kentucky law, as a “component parts supplier”, it cannot be held liable for failing to warn because it has no duty independent of Lycoming to “analyze the design of the completed product [the Lycoming engine] which incorporates its non-defective component part”. (doc. 240, p. 22). TCM also argues that FAA regulations do not create a duty to warn and therefore the plaintiffs have failed to state a claim.

Plaintiffs respond that TCM has “used this motion to argue that Plaintiffs do not have a failure to warn claim as a matter of law, due to the so-called ‘component parts doctrine.’” Plaintiffs argue that “the proper time to make that motion would have been before the deadline for dispositive

motions” and therefore, the claim against TCM for failure to warn should proceed to trial.

The deadline for dispositive motions was April 22, 2011 (Doc. 93). TCM did not obtain an extension of that deadline. Accordingly, to the extent the pending motion is TCM’s attempt to obtain judgment as a matter of law that Plaintiffs’ do not have a failure to warn claim, the motion is DENIED as it is untimely.

DONE and ORDERED this the 29th day of June, 2011.

s / Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE