

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ROGER COTE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 1:14-cv-202-jgm
	:	
ROBERT BOSCH TOOL CORPORATION,	:	
	:	
Defendant.	:	
_____	:	

ORDER ON PLAINTIFF’S MOTION TO ALLOCATE DAMAGES
(Doc. 48)

In this diversity action commenced in September 2014, Plaintiff Roger Cote asserts product liability claims against Defendant Robert Bosch Tool Corporation (“Bosch”) alleging design defects in a benchtop table saw. (Doc. 1.) Following summary judgment, Cote’s strict liability and negligence claims remain. See Doc. 41. Cote now moves the Court to allocate damages for purposes of facilitating settlement. (Doc. 48.) Bosch does not oppose the motion. Id.

Based upon the parties’ agreement, and having reviewed the materials submitted, the Court finds that allocating 25% of Cote’s damages to economic damages is fair and reasonable. See Progressive Cas. Ins. Co. v. Estate of Keenan, 937 A.2d 630, 632-33 (Vt. 2007) (noting to be fair and reasonable, a damages award must be apportioned according to the ratio of overall economic damages to overall non-economic damages). Accordingly, Cote’s damages, if any, recovered in a pretrial settlement shall be allocated 25% to economic damages and 75% to non-economic damages.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 11th day of July, 2016.

/s/ J. Garvan Murtha
Hon. J. Garvan Murtha
United States District Judge