MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

NORMAN HOPFER AND TERRI HOPFER,	)	No. ED101754
	)	
Appellants,	)	Appeal from the Circuit Court of the City of St. Louis
vs.	)	
NEENAH FOUNDRY COMPANY,	)	Hon. Joan L. Moriarty
Respondent.	)	FILED: September 22, 2015

Appellants Norman and Terri Hopfer (collectively referred to as "Hopfer") appeal from the judgment of the trial court denying Hopfer's motion for new trial, following a jury verdict in favor of Respondent Neenah Foundry Company ("Neenah"). Norman Hopfer was severely injured when he lost control of his pickup truck after driving over an open drainage inlet on Hall Street in the City of St. Louis. At least one of the grates covering the inlet had become dislodged. Hopfer subsequently filed suit against Neenah, the grate manufacturer, under a strict products liability theory, alleging that the drainage grates used to cover the inlet on Hall Street were defective. On appeal, Hopfer contends that (1) the trial court erred in allowing Neenah to present the affirmative defense of compliance with contract specifications to the jury in Jury Instruction No. 8, and (2) the trial court erred in excluding evidence of Neenah's failure to conduct FMEA testing when designing the grate system.

AFFIRMED.

DIVISION FOUR HOLDS: Because the affirmative defense of compliance with contract specifications is available to defendants in strict products liability claims in Missouri, and because sufficient evidence was presented at trial from which a jury reasonably could find that Neenah was entitled to this defense, the trial court did not err in submitting Jury Instruction No. 8 to the jury. Because the proposed FMEA evidence raised matters related to Neenah's conduct, a consideration not at issue in a strict products liability case, the trial court did not abuse its discretion in excluding the FMEA evidence at trial. Accordingly, the trial court did not abuse its discretion in denying Hopfer's motion for new trial. We affirm the judgment of the trial court.

Opinion by: Kurt S. Odenwald, Judge Sherri B. Sullivan, P.J., and Patricia L. Cohen, J., concur.

Attorney for Appellant: Kenneth K. Vuylsteke

Attorney for Respondent: Bradley R. Hansmann and Patrick A. Bousquet

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.