

*Ortiz v. Daimler Truck North America LLC*  
Court of Appeals, Third District, California  
2025 WL 1778776

## FACTS/PROCEDURAL HISTORY

The case involved claims of strict products liability and negligence against Daimler Trucks following the death of the plaintiffs' mother, Ortiz. She was killed when a commercial truck traveling over 55 miles per hour rear-ended her car at a red light. Raising design defect and negligent design claims, the plaintiffs alleged that Daimler Trucks should be held liable for their mother's death because it failed to equip the truck with a collision avoidance system. That system warns drivers when it detects a collision risk with a stationary object, including stopped traffic, and can automatically stop the truck when the driver fails to act. Daimler Trucks manufactured that system, but not all trucks were equipped with it.

Daimler Trucks moved for summary judgment, arguing that the accident was caused by the driver Singh's negligence, not by any defect in the truck, and that it owed no duty to prevent or mitigate the collision. The trial court granted Daimler Trucks' motion. The Plaintiff appealed this decision. The Court of Appeals reversed the judgment.

## DISCUSSION

### *a) Strict Liability*

One way to prove strict liability is through the risk-benefit test; under this test, the plaintiff must first demonstrate that the product's design proximately caused the injury. (*Kim v. Toyota Motor Corp.* (2018) 6 Cal.5th 21, 30.) A central consideration in evaluating proximate cause is foreseeability. Proximate cause—including the inquiry into foreseeability—is ordinarily a question of fact for the jury.

The Court of Appeals found that Daimler Trucks, in fact, designed the collision avoidance system precisely to avoid and mitigate these types of foreseeable collisions. The presented evidence further supported the conclusion that this technology was available at a relatively low cost; however, Daimler Trucks chose not to equip its trucks with the system. The court concluded that a reasonable juror could find that Ortiz died because Daimler Trucks omitted an available safety feature designed to prevent this very type of foreseeable accident. Those types of facts support a finding of proximate cause.

### *b) Duty of Care*

The Court of Appeals considered Rowland factors to determine whether the duty of care existed in this case. The court concluded that almost all Rowland factors - including foreseeability, certainty of injury, the connection between Daimler Trucks' conduct and plaintiffs' injuries, and the policy of preventing future harm—leaned in favor of recognizing a duty of care. The court recognized that finding a duty of care here would burden Daimler Trucks and similar manufacturers, but that burden didn't warrant a categorical no-duty rule here. Whether Daimler Trucks breached that duty here was an issue outside the scope of this appeal.