

**IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE**

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| <p><b>FILED</b></p> <p>February 13, 1998</p> <p><b>Cecil W. Crowson</b><br/>Appellate Court Clerk</p> |
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DEBORAH L. CARSON, )  
next of kin and parent of )  
MALLORY D. LEDBETTER, )  
deceased, )  
)  
Plaintiff, )  
)  
VS. )  
)  
AGRI-PRODUCTS SPECIAL MARKETS, )  
INC. d/b/a SUNCOAST, and )  
ARMOR-ALL PRODUCTS CORP., )  
and ORGAIN BUILDING SUPPLY, CO., )  
)  
Defendant. )

Montgomery Circuit  
No. C10-846

Appeal No.  
01A01-9708-CV-00420

**ORDER**

This appeal involves a wrongful death case filed by the parent of a six-year-old child. The parent filed suit in the Circuit Court for Montgomery County alleging that her daughter's death was caused by exposure to a household cleaning product marketed and distributed by Armor-All Corporation. The complaint named as defendants Armor-All Corporation, Agri-Products Special Markets, Inc., the company from whom Armor-All had purchased the line of household cleaning products, and Orgain Building Supply Company, the company from whom the parents had purchased the product. The complaint also alleged four causes of action including negligence, strict liability, misrepresentation, and breach of warranty.

Agri-Products moved for a summary judgment seeking dismissal of all claims on the ground that "the undisputed evidence establishes that Agri-Products has no connection with the events upon which the plaintiff bases her cause of action" and supported this motion with evidence that it had sold the entire product line to Armor-All in January 1994 and that the product allegedly causing the child's death had been manufactured in March 1994. In an order entered on July 21, 1997, the trial court granted Agri-Products's summary judgment motion and certified its judgment as final

in accordance with Tenn. R. Civ. P. 54.02. The deceased child's parent has perfected this appeal as of right.

After the parties filed their briefs, they filed a stipulation in accordance with Tenn. Ct. App. R. 13 on January 9, 1998 seeking an accelerated appeal. This court heard oral argument on February 6, 1998. Based upon consideration of the parties' briefs and arguments and the record on appeal in the cause, this court announced in open court following argument that the order granting Agri-Products's motion for summary judgment should be affirmed.

It is, therefore, ordered, adjudged and decreed that the order entered on July 21, 1997, granting Agri-Products's motion for summary judgment be and is hereby affirmed and that the case is remanded to the trial court for further proceedings.

It is further ordered that Agri-Products's request for damages for a frivolous appeal pursuant to Tenn. Code Ann. § 27-1-122 (1980) be and is hereby denied.

It is further ordered that the costs of this appeal be and are hereby taxed to Deborah L. Carson, principal, and Joe Bednarz, surety, for which execution, if necessary, may issue.

ENTER, this \_\_\_\_\_ day of February , 1998.

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HENRY F. TODD, PRESIDING JUDGE  
MIDDLE SECTION

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BEN H. CANTRELL, JUDGE

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WILLIAM C. KOCH, JR., JUDGE