

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-1411

ANDREA SARDIS, As Administrator of the Estate of Evangelos Sardis, Deceased,

Plaintiff – Appellee,

v.

OVERHEAD DOOR CORPORATION,

Defendant – Appellant.

PRODUCT LIABILITY ADVISORY COUNCIL, INC.,

Amicus Supporting Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. John A. Gibney, Jr., District Judge. (3:17-cv-00818-JAG)

Argued: March 11, 2021

Decided: August 20, 2021

Before GREGORY, Chief Judge, AGEE, and DIAZ, Circuit Judges.

Reversed and remanded with instructions by published opinion. Judge Agee wrote the
opinion, in which Chief Judge Gregory and Judge Diaz joined.

ARGUED: Sarah Virginia Bondurant Price, MCGUIREWOODS LLP, Richmond, Virginia, for Appellant. L. Steven Emmert, SYKES, BOURDON, AHERN & LEVY, PC, Virginia Beach, Virginia, for Appellee. **ON BRIEF:** Michael W. Stark, MCGUIREWOODS LLP, Richmond, Virginia; Martin A. Conn, Matthew J. Hundley, Lisa M. McMurdo, MORAN REEVES & CONN PC, Richmond, Virginia, for Appellant. Peter C. Grenier, GRENIER LAW GROUP PLLC, Washington, D.C.; Andrew G. Slutkin, Ethan Nochumowitz, SILVERMAN THOMPSON SLUTKIN & WHITE, Baltimore, Maryland, for Appellee. Robert L. Wise, Jason R. Hodge, Richmond, Virginia, Susan E. Burnett, BOWMAN AND BROOKE LLP, Austin, Texas, for Amicus Curiae.

AGEE, Circuit Judge:

Federal Rule of Evidence 702 appoints trial judges as “gatekeepers of expert testimony” to protect the judicial process from “the potential pitfalls of junk science.” *United States v. Bonner*, 648 F.3d 209, 215 (4th Cir. 2011). If a trial court abdicates that duty by opening the gate indiscriminately to *any* proffered expert witness—particularly one with whom it recognizes “legitimate concerns,” J.A. 287—it risks exposing jurors to “dubious scientific testimony” that can ultimately “sway[]” their verdict, *Nease v. Ford Motor Co.*, 848 F.3d 219, 231 (4th Cir. 2017) (quoting *In re Zurn Pex Plumbing Prods. Liab. Litig.*, 644 F.3d 604, 613 (8th Cir. 2011)). That risk is notably amplified in products liability cases, for “expert witnesses necessarily may play a significant part” in establishing or refuting liability. *Chase v. Gen. Motors Corp.*, 856 F.2d 17, 20 (4th Cir. 1988).

Appellee Andrea Sardis, in her capacity as the Administrator of the Estate of her late husband, Evangelos Sardis (“the Estate”), asserted various products liability claims against Appellant Overhead Door Corporation (“ODC”) relating to Mr. Sardis’ tragic death in a work-related accident in June 2016. But the only probative evidence supporting the Estate’s claims came from two expert witnesses, neither of whom offered relevant or reliable opinions. Nonetheless, the district court permitted the jurors to hear their testimony, finding that cross-examination was the proper, and only, tool to vet any relevance or reliability factors. On the basis of that testimony, the jury awarded the Estate a multi-million-dollar verdict.

That verdict is the result of the district court’s abuse of discretion in admitting the Estate’s expert testimony. Without it, the Estate offered insufficient admissible evidence

as a matter of law to prevail on any of the four claims submitted to the jury. We therefore reverse the judgment in this case, and remand with instructions that judgment be entered in favor of ODC as to each of the Estate’s claims.

I.

A.

ODC designs and manufactures garage doors and the metal hoods those doors are installed in, and then sells these products through a network of independent distributors. ODC also designs and manufactures the packaging used for shipping these products. The packaging—not the garage doors or hoods—is the focus of this case.

For thirty years, until 2014, ODC shipped its garage door hoods in rectangular prism-shaped containers. The entire container was made of a double-wall corrugated material, and the two “ends” of the container (the two square ends to which all four of the rectangular “sides” connected) contained handhold “punchouts” in the material. ODC intended for workers to use, and workers in fact used, these handholds to push and pull the containers as necessary for storage and transit. ODC never received a report of a worker ripping a handhold, but it did receive complaints that the corrugated material would collapse during transit, damaging the hoods inside.

In response to these complaints, ODC redesigned its garage door hood containers in December 2014. It kept the same rectangular prism shape, but made two important modifications. First, it replaced the double-wall corrugated material on the sides with triple-wall corrugated material. Second, it replaced the double-wall corrugated material on

the ends with wood slats. Staples connected each of the four triple-wall corrugated sides to two vertical pieces of wood on either “end.” The square “ends” were comprised of several horizontal pieces of wood that were nailed into the two vertical wood slats. ODC incorporated the “handhold” design from its old container design by omitting one horizontal wood piece on each end. A photograph of an exemplar container, J.A. 1243, is reproduced below.



Prior to using this new container design for shipping its goods, ODC performed some field testing. According to Bradley Knable, ODC’s corporate designee, the testing included workers pushing and pulling the containers using those handholds, although there was no specific test of the maximum strength of the new handholds. The new design overall performed to ODC’s satisfaction. ODC then shipped garage door hoods in these new containers to select customers. ODC asked for feedback on the containers, and received no complaints about the new container or its handholds.

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