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White and
Williams LLP

Subrogation Department Defeats Statute of Repose-Based Motion for Summary Judgment

Gus Sara, an attorney in the firm's Subrogation Department, appearing before a New Hampshire court, recently defeated a motion for summary judgment filed by Broan-Nutone, LLC. In the motion, Broan-Nutone argued that because the bathroom fan at issue was manufactured for the sole purpose of improving real property, the subrogating insurer's product defect claims against Broan-Nutone were barred by New Hampshire's statute of repose, RSS 508:4-b. Recognizing that statutes of repose do not always protect product manufacturers, Gus argued that because Broan-Nutone merely sold the product and was in no way involved in the installation of the product, it was not protected by the statute of repose in this case. The court agreed with Gus and denied Broan-Nutone's motion.