

Kentucky Court of Appeals
Cases of Note
September-[October](#), 2012

Note: To open hyperlink, take one of the following steps:

1. Hold down the control (“Ctrl”) key and click on the link.
2. Right-click on the link and select “Open Hyperlink”.

Note: The September report is still listed as not available.

TORTS

Bridgefield Casualty Insurance Company, Inc. v. Yamaha Motor Manufacturing Corporation of America

[2011-CA-000684](#) 10/26/12

Opinion by Judge VanMeter; Judges Lambert and Thompson concurred.

Trial court did not err in granting summary judgment on workers’ compensation insurer’s claim for statutory and common law subrogation based on product liability theories of negligent design; negligent manufacturing; and breach of express and implied warranties arising from Yamaha’s distribution of an allegedly defective Rhino for which insurer had paid compensation benefits. Court of Appeals held that because insurer’s rights were strictly derivative of claims its insured could pursue, trial court properly applied the same one-year statute of limitations as would be applicable in a direct action by insured. Neither the discovery rule nor the equitable estoppel doctrine operated to toll statute of limitations because insured’s injuries and the Rhino’s potential role in causing the accident were immediately evident from the accident itself. Dismissal of breach of warranty claims was affirmed on basis