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## **Novack and Macey Defeats Warranty Claims**

MAY 19TH, 2010

After a three-week bench trial, Novack and Macey attorneys Eric N. Macey, Melissa B. Pryor and Laura E. Towbin, on behalf of Kohler Co., successfully defeated warranty claims brought by plaintiff Indeck Power Equipment Co.

In 2003, Indeck sued Professional Power Products, Inc., alleging that 10 2000-kilowatt mobile-generator packages it purchased from Professional Power were defective. Indeck alleged damages of over \$10 million. Professional Power brought a third-party suit against its distributor, Inland Power Group, Inc., which, in turn, sued Kohler and Detroit Diesel Corp., which had manufactured components of the generator packages.

In April 2010, the case went to trial. Throughout the three-week trial, Novack and Macey dealt multiple blows to Indeck's case, including arguing and winning key motions in limine to keep out evidence. Novack and Macey attorneys also convinced the court to throw out Indeck's jury demand. These victories culminated in a directed finding for Professional Power at the close of Indeck's case. Indeck's loss was a victory for all defendants as it mooted the third- and fourth-party lawsuits against Inland, Kohler and Detroit Diesel.

For more information regarding this case, please contact Eric, Melissa or Laura at 312.419.6900.