

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-4329

Darryl Smith,

Appellant,

v.

Quartet Sales, Inc.,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: August 11, 2000

Filed: August 31, 2000

Before MCMILLIAN, BOWMAN, and MORRIS SHEPPARD ARNOLD, Circuit
Judges.

PER CURIAM.

Darryl Smith appeals the District Court's¹ adverse grant of summary judgment in his products liability case. After careful review of the record and the parties' briefs, we conclude the judgment was proper. See Jaurequi v. Carter Mfg. Co., 173 F.3d 1076, 1085 (8th Cir. 1999) (describing summary judgment standard of review); Bass v. General Motors Corp., 150 F.3d 842, 847 (8th Cir. 1998) (enumerating proof required for defective-design strict liability claim under Missouri law); Thudium v.

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

Allied Prods. Corp., 36 F.3d 767, 769 (8th Cir. 1994) (concluding that circumstantial evidence may be used in products liability case, but “plaintiff must prove his claim without resort to conjecture or speculation and must demonstrate circumstances which point reasonably to the desired conclusion and exclude any other reasonable conclusion”); Dorman v. Bridgestone/Firestone, Inc., 992 S.W.2d 231, 239 (Mo. Ct. App. 1999) (describing standard for negligence liability); Brisette v. Milner Chevrolet Co., 479 S.W.2d 176, 181-82 (Mo. Ct. App. 1972) (concluding physical presence of defective object is not essential to claim; plaintiff may present testimony, subject to cross-examination, that indicates existing defects).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.