

Pete Smith obtains dismissal of fraud and consumer protection claims in Federal Court for commercial aircraft parts supplier

A commercial aircraft parts supplier was sued in federal court by a Florida-based aircraft parts broker concerning an allegedly defective aircraft auxiliary power unit purchased for a Mexican airline. The broker sought recovery for breach of contract, and also brought various tort claims against the supplier, including allegations of negligent and fraudulent misrepresentation, and a claim under the Florida Deceptive and Unfair Trade Practices Act. The broker claimed damages in excess of \$600,000, plus statutory penalties, punitive damages and recovery of attorneys' fees.

On behalf of the supplier, Smith and other McDowell Rice attorneys filed a Motion to Dismiss contending that Missouri's Economic Loss Doctrine bars the brokers negligence and fraud based claims. They also sought dismissal of the statutory consumer protection claim arguing that the Florida statute has no applicability to a transaction occurring outside the state of Florida, and a similar claim under Missouri's Merchandising Practices Act would fail as this was a commercial, not consumer transaction. The Court agreed, granting the Motion to Dismiss in its entirety, without leave to amend.