

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2025

Lyle W. Cayce
Clerk

No. 24-30688

DEMARCUS D. FRIELS,

Plaintiff—Appellant,

LOUISIANA STATE ADMINISTRATIVE OFFICE OF RISK
MANAGEMENT,

Intervenor Plaintiff—Appellant,

versus

WARREN, INCORPORATED; WARREN EQUIPMENT,
INCORPORATED; WARREN TRUCK EQUIPMENT, INCORPORATED;
WARREN TRUCK & TRAILER, INCORPORATED; WARREN TRUCK
& TRAILER, L.L.C.; DAIMLER TRUCK NORTH AMERICA, L.L.C.,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:22-CV-1098

Before WIENER, WILLETT, and HO, *Circuit Judges*.

PER CURIAM:*

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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Plaintiff-Appellant DeMarcus Friels drove his dump truck with the bed raised, despite multiple warnings against doing so. The bed struck a highway overpass, seriously injuring him. He sued Defendants-Appellees Daimler Trucks North America and Warren, Inc.—two companies that built the truck—under the Louisiana Products Liability Act, La. R.S. 9:2800. The district court granted summary judgment to Defendants, holding that Friels’s use of the truck was not reasonably anticipated—a threshold requirement under the Act. We agree and AFFIRM.

Friels’s use of the truck was not reasonably anticipated, so there can be no liability under the Act. Driving with the bed raised was obviously dangerous, and “[o]bviously dangerous uses . . . are not reasonably anticipated.” *Certain Underwriters at Lloyd’s, London v. Axon Pressure Prods. Inc.*, 951 F.3d 248, 274 (5th Cir. 2020) (citing *Kampen v. Am. Isuzu Motors, Inc.*, 157 F.3d 306, 309 (5th Cir. 1998)). Friels also ignored multiple warnings against driving with the bed up, and “[w]hen a manufacturer expressly warns against using the product in a certain way in clear and direct language, it is expected that an ordinary consumer would not” do so. *Hardisty v. Walker*, 2025-239, p.5 (La. 6/3/25), 410 So. 3d 774, 778 (La. 2025) (citing *Lockart v. Kobe Steel Ltd. Const. Mach. Div.*, 989 F.2d 864, 867 (5th Cir. 1993)).

We hold that Defendants have shown that Friels’s use of the dump truck was not reasonably anticipated. And we agree with the district court that Friels’s evidence fails to create a genuine dispute of material fact on this issue.

We AFFIRM.