

[NOT FOR PUBLICATION—NOT TO BE CITED AS PRECEDENT]

United States Court of Appeals For the First Circuit

No. 01-1994

ANDREW MINTZ AND MARY MINTZ,

Plaintiffs, Appellants,

v.

SEARS ROEBUCK & CO. AND
HABAN MANUFACTURING, INC.,

Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Rya W. Zobel, U.S. District Judge]

Before

Selya, Circuit Judge,
Campbell, Senior Circuit Judge,
and Lynch, Circuit Judge.

Andrew Mintz and Mary Mintz on brief pro se.

David A. Barry, Christine M. Netski, William J. Fidurko, and
Sugarman, Rogers, Barshak & Cohen, P.C., on brief for appellee,
Sears, Roebuck and Co., and Clark W. Yudysky and Toomey & Yudysky,
LLP on brief for appellee, Haban Manufacturing, Inc.

April 17, 2002

Per Curiam. After carefully reviewing the briefs and record on appeal, we affirm substantially for the reasons stated by the district court. The purported design defect was not relevant given the deposition testimony that the snow-thrower had been operated in a raised position. However, even if the defect were relevant, Appellant Andrew Mintz could not establish that it caused his injury.

Affirmed. Loc. R. 27 (c).