



STATE OF MAINE
YORK, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.:

JESSE MORGAN, AS ADMINISTRATOR
AD PROSEQUENDUM OF THE ESTATE
OF LUCY L. MORGAN, AND AS PARENT
AND NEXT FRIEND OF S.A.M., S.R.M.,
AND A.J.M.,

Plaintiffs

v.

FRANKLIN SPORTS, INC.,

Defendant

COMPLAINT

Jesse Morgan, as Administrator Ad Prosequendum of the Estate of Lucy Morgan, and as parent and next friend of S.A.M., S.R.M., and A.J.M., complains against Defendant, Franklin Sports, Inc. (Franklin Sports), as follows:

SUMMARY OF THE COMPLAINT

On June 1, 2024, Mr. and Mrs. Morgan and their children, S.A.M. (10), S.R.M. (8), Lucy (6), and A.J.M. (4), were enjoying their last vacation day at an idyllic lake house in Limerick, Maine. S.A.M. and S.R.M. were playing badminton in the front yard.

The badminton set was manufactured, marketed, and sold by Franklin Sports.

Lucy and A.J.M., sitting nearby, watched S.A.M. and S.R.M. volley. Suddenly, mid swing, the head and metal neck of S.A.M.'s racket dislodged from the handle and flew forward through the air. Travelling some distance, the sharp end of the racket neck struck Lucy's temple, piercing her skull and entering her brain. Lucy stood up, screaming. Hearing their daughter's screams, Mr. and Mrs. Morgan came running from behind the house.

Lucy pulled the metal neck out of her head, then collapsed, unresponsive. S.A.M., S.R.M., and A.J.M. looked on in horror.

Lucy's family dialed 911 immediately. They frantically tried to arouse Lucy, pouring water on her. Lucy was transported by LifeFlight helicopter to Maine Medical Center (MMC).

Despite the heroic efforts of the first responders and, later, the MMC medical team, Lucy could not be saved. Providers at MMC advised Mr. and Mrs. Morgan there was no choice but to withdraw support.

Lucy died on June 5, 2024, at MMC from the brain injury caused by the shaft of the Franklin Sports badminton racket that separated from its handle during normal play among children volleying a badminton birdie.

PARTIES

1. Jesse Morgan is a resident of Stockholm, Sussex County, New Jersey.
2. Jesse Morgan is the father of Lucy Morgan and the appointed Administrator Ad Prosequendum of the Estate of Lucy Morgan, by Letters of Authority from the Sussex County, New Jersey, Surrogate's Court, dated April 30, 2025.
3. Jesse Morgan is the parent and next friend of the minor children, S.A.M., S.R.M., and A.J.M.
4. Lucy was a resident of Stockholm, Sussex County, New Jersey, and died on June 5, 2024, in Portland, Maine.
5. Franklin Sports, Inc., ("Franklin") is a Massachusetts corporation with a corporate headquarters in Stoughton, Norfolk County, Commonwealth of Massachusetts.
6. Franklin sells sporting goods both directly to consumers and through third party retailers all over the world, including in the State of Maine.

FACTUAL BACKGROUND

7. At all times relevant herein, the Morgan family was staying at a short-term rental cottage in the Town of Limerick, County of York, and State of Maine.

8. The badminton set in question was provided with the rental cottage in Limerick, Maine.

9. Franklin is in the business of manufacturing and selling sporting equipment, including the badminton set at issue herein.

10. The badminton racket at issue herein is comprised of a head with a metal frame and metal stem, which connects to a handle.

11. At all times material hereto, S.A.M., S.R.M., Lucy, and A.J.M. were playing in the front yard of the rental cottage.

12. Lucy and A.J.M. were watching S.A.M. and S.R.M. play badminton.

13. When S.A.M. swung his racket to hit the birdie, the handle separated from the stem and head, causing the metal stem and head to fly through the air.

14. Lucy was sitting on the grass watching her siblings play badminton when she was struck in the head by the racket stem and head.

15. As a direct and proximate cause of the failure of the connection between the handle and the stem, the metal racket stem pierced Lucy's skull and brain.

16. S.A.M., S.R.M., and A.J.M. witnessed the racket stem pierce their sister's skull.

17. As a direct and proximate cause of being struck by the metal stem of the badminton racket, Lucy died of her injuries.

18. As a direct and proximate cause of the failure of the connection between the handle and the stem, S.A.M., S.R.M., and A.J.M. have suffered and will continue to suffer severe emotional distress.

19. As a direct and proximate cause of the failure of the connection between the handle and the stem, Mr. and Mrs. Morgan have lost their daughter and suffered and will continue to suffer severe emotional distress.

20. As a direct and proximate cause of the failure of the connection between the handle and the stem, Lucy suffered severe pain, fear, and emotional distress.

COUNT I – STRICT LIABILITY

21. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully set forth herein.

22. Defendant designed, tested, manufactured, advertised, promoted, distributed, and/or sold the badminton racket.

23. The badminton racket was in a defective condition and unreasonably dangerous for reasons including but not limited to the following:

- a. The handle and the metal stem were not attached in such a way as to prevent the handle from separating from the stem;
- b. The adhesive used to connect the handle to the stem was defective;
- c. The adhesive was insufficient to secure the metal stem to the handle;
- d. The racket lacked a secondary restraint to secure the metal stem to the handle when, inevitably, there was a failure of the adhesive used to connect the stem and handle;

- e. Defendant failed to warn users about the breakdown of the adhesive and/or the risks of the metal stem separating from the racket during regular use;
 - f. The racket failed to perform as safely as an ordinary consumer would expect during regular use, because the stem and handle separated, turning the stem into a dangerous projectile; and
 - g. The risks associated with the racket as designed, manufactured, and sold outweighed the benefits of the handle/stem connection as designed, manufactured, marketed, and/or sold.
24. Plaintiffs were using the racket to play badminton, as it was intended to be used.
25. The badminton racket reached Plaintiffs without a significant change in the condition from when Defendant sold it.
26. The defective and unreasonably dangerous condition of the badminton racket was the direct and proximate cause of Lucy's death and pain and suffering.
27. The defective and unreasonably dangerous condition of the badminton racket was the direct and proximate cause of S.A.M., S.R.M., and A.J.M.'s severe emotional distress.
28. The defective and unreasonably dangerous condition of the badminton racket was the direct and proximate cause of Mr. and Mrs. Morgan's loss of their daughter and their severe emotional distress.

COUNT II: NEGLIGENCE

29. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully set forth herein.
30. Defendant owed a duty to foreseeable users, including Plaintiffs, to exercise reasonable care in designing, testing, manufacturing, marketing, selling, and/or issuing warnings regarding the badminton rackets.

31. Defendant was negligent and breached its duty for reasons including but not limited to the following:

- a. The badminton racket and handle separated while used for its intended purpose.
- b. The handle and the metal stem were not attached in such a way as to prevent the handle from separating from the stem;
- c. The adhesive was insufficient to secure the metal stem to the handle;
- d. The racket lacked a secondary restraint to secure the metal stem to the handle when, inevitably, there was a failure of the adhesive used to connect the stem and handle;
- e. Defendant failed to warn users about the breakdown of the adhesive and/or the risks of the metal stem separating from the racket during regular use; and
- f. Defendant negligently designed, manufactured, marketed, and/or sold the badminton racket.

32. Defendant's negligence proximately caused Lucy's death and pain and suffering.

33. Defendant's negligence proximately caused S.A.M., S.R.M., and A.J.M.'s severe emotional distress.

34. Defendant's negligence proximately caused Mr. and Mrs. Morgan's loss of their daughter and their severe emotional distress.

COUNT III: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

35. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully set forth herein.

36. Defendant owed a duty to foreseeable users, including Plaintiffs, to exercise reasonable care in designing, testing, manufacturing, marketing, selling, and/or issuing warnings regarding the badminton rackets.

37. Defendant was negligent and breached its duty for reasons including but not limited to the following:

- a. The badminton racket and handle separated while used for its intended purpose.
- b. The handle and the metal stem were not attached in such a way as to prevent the handle from separating from the stem;
- c. The adhesive was insufficient to secure the metal stem to the handle;
- d. The racket lacked a secondary restraint to secure the metal stem to the handle when, inevitably, there was a failure of the adhesive used to connect the stem and handle;
- e. Defendant failed to warn users about the breakdown of the adhesive and/or the risks of the metal stem separating from the racket during regular use; and
- f. Defendant negligently designed, manufactured, marketed, and/or sold the badminton racket.

38. S.A.M., S.R.M. and A.J.M. witnessed the injuries sustained by their sister, Lucy.

39. As a direct and proximate cause of Defendant's negligence, S.A.M., S.R.M., and A.J.M, suffered severe emotional distress.

COUNT IV: BREACH OF EXPRESS AND IMPLIED WARRANTY OF MERCHANTABILITY

40. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully set forth herein.

41. Defendant both expressly and impliedly warranted that the badminton set was of merchantable quality.

42. For reasons set forth above, the badminton racket was not of merchantable quality and was not fit for the ordinary purpose for which a badminton racket is used.

43. Defendant's breach of the express and implied warranties of merchantability was a proximate cause of Lucy's death.

44. Defendant's breach of the express and implied warranties of merchantability proximately caused severe emotional injury to S.A.M., S.R.M., and A.J.M.

45. Defendant's breach of the express and implied warranties of merchantability proximately caused Mr. and Mrs. Morgan's loss of their daughter and their severe emotional distress.

**COUNT V: BREACH OF IMPLIED WARRANTY OF FITNESS
FOR A PARTICULAR PURPOSE**

46. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully set forth herein.

47. S.A.M.'s swinging of the racket was a foreseeable use of the badminton racket.

48. For reasons set forth above, the badminton racket was not fit for S.A.M.'s use.

49. Defendant's breach of its implied warranty of fitness for a particular purpose was a proximate cause of Lucy's death.

50. Defendant's breach of its implied warranty of fitness for a particular purpose was a proximate cause of severe emotional injury to S.A.M., S.R.M., and A.J.M.

51. Defendant's breach of its implied warranty of fitness for a particular purpose was a proximate cause of Mr. and Mrs. Morgan's loss of their daughter and their severe emotional distress.

COUNT VI: SURVIVAL STATUTE

52. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully set forth herein.

53. The strict liability and negligence of the Defendant, as set forth above, proximately caused harm and injury to decedent, Lucy Morgan.

54. Jesse Morgan, as Administrator Ad Prosequendum of the Estate of Lucy, seeks recovery for her pre-death pain, suffering, and fear, together with interest, costs and such other and further relief as deemed to be just and appropriate, pursuant to 18-C M.R.S. § 3-817.

COUNT VII: WRONGFUL DEATH

55. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully set forth herein.

56. For the strict liability and negligence of the Defendant, as set forth above, which proximately caused harm and injury to decedent Lucy Morgan as set out above, Jesse Morgan, as Administrator Ad Prosequendum of the Estate of Lucy, seeks recovery of all categories of damages provided in Maine's Wrongful Death Act, 18-C M.R.S. § 2-807, including funeral expenses; pecuniary loss; emotional distress; loss of comfort, society and companionship; punitive damages; together with interest, costs, and such other and further relief as is deemed just and appropriate.

WHEREFORE, Plaintiffs pray that judgement be entered against Defendant Franklin Sports, Inc., for compensatory damages, punitive damages, interest, costs, and such other and further relief as the Court deems just and equitable.

Dated: August 17, 2026



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