

Summary of Contents

PART I. LAW

- Chapter 1. History and Theories of Product Liability
- Chapter 2. Negligent Design and Manufacture
- Chapter 3. Failure to Warn or Instruct
- Chapter 4. Breach of Warranty and Representations
- Chapter 5. Target Defendants
- Chapter 6. Defences
- Chapter 7. Causation
- Chapter 8. Common Evidentiary Issues in Product Cases
- Chapter 9. Liability for Economic Loss
- Chapter 10. Conflict of Laws
- Chapter 11. Insurance
- Chapter 12. Special Issues in Product Liability Class Actions

PART II. PRACTICE

- Chapter 13. The Preliminary Stages
- Chapter 14. Discovery Issues
- Chapter 15. Summary Judgment in Product Cases
- Chapter 16. Issues and Challenges in Product Liability Trials
- Chapter 17. Settlement Considerations
- Chapter 18. Consumer Product Safety Regulation in Canada

Appendices

- Appendix A. Theories of Liability Checklist
- Appendix B. Preliminary Steps Checklist
- Appendix C. Conflict of Laws Checklist
- Appendix D. Defendant Production Checklist
- Appendix E. Sample Statement of Claim (Consumer Product)

PRODUCT LIABILITY: CANADIAN LAW AND PRACTICE

Appendix F.	Sample Statement of Defence (Consumer Product)
Appendix G.	Sample Statement of Claim (Commercial Product)
Appendix H.	Sample Statement of Defence (Commercial Product)
Appendix I.	Sample Inspection and Preservation Order
Appendix J.	Sample Confidentiality Order
Appendix K.	Canada Consumer Product Safety Act
Appendix L.	Certification for Product Class Actions in Canadian Common Law Jurisdictions (Examples from Contested Motions Only)
Appendix SLL.	Selected Literature on Product Liability
Appendix WP.	Words and Phrases

Table of Cases

Index

Table of Contents

PART I. LAW

CHAPTER 1. HISTORY AND THEORIES OF PRODUCT LIABILITY

I. INTRODUCTION; HISTORY

- § 1:1 Introduction
- § 1:2 Early Historical Development
- § 1:3 Evolution of Product Liability

II. THEORIES OF LIABILITY

- § 1:4 Introduction
- § 1:5 The Concept of Defect
- § 1:6 Elements of Negligence
- § 1:7 —Duty and Standard of Care
- § 1:8 —Breach of Standard
- § 1:9 —Causation
- § 1:10 Breach of Warranty

CHAPTER 2. NEGLIGENT DESIGN AND MANUFACTURE

I. INTRODUCTION; IS THERE A PRODUCT

- § 2:1 Introduction
- § 2:2 Is There a Product?

II. DID THE PRODUCT CONTAIN A DEFECT?

- § 2:3 Introduction
- § 2:4 Defect in the Negligent Design Case
- § 2:5 —Foreseeable Use and Misuse
- § 2:6 — —Product Used as Intended
- § 2:7 — —Product Misused
- § 2:8 —Is the Risk Reasonable?
- § 2:9 — —Viable Alternative
- § 2:10 — —Risk/Utility

§ 2:11 — —Prevailing Industry Standards

§ 2:12 —Timing

III. WAS THE MANUFACTURER NEGLIGENT?

A. DUTY AND STANDARD OF CARE

§ 2:13 Introduction

§ 2:14 The Duty of Care

§ 2:15 The Standard of Care

§ 2:16 —The Negligence Inference

§ 2:17 —Regulatory Standards

§ 2:18 —Prevailing Industry Standards

B. BREACH OF THE STANDARD

§ 2:19 Introduction

§ 2:20 Knowledge of Risk

§ 2:21 —In a Design Defect Case

§ 2:22 —In the Manufacturing Defect Case

§ 2:23 Testing—Design Risks

§ 2:24 —Manufacture Risks

§ 2:25 Response to Post-sale Information

CHAPTER 3. FAILURE TO WARN OR INSTRUCT

§ 3:1 Common Law Duty

§ 3:2 —The General Duty

§ 3:3 —Foreseeable Misuse

§ 3:4 —Obvious Dangers

§ 3:5 —Skilled Users

§ 3:6 —Inherently Dangerous Products

§ 3:7 —Unheeded Warnings

§ 3:8 —Low Risk of Harm

§ 3:9 —Crown Liability for Failure to Warn

§ 3:10 Compliance with Regulatory Standards

§ 3:11 Warning Labels

§ 3:12 Learned Intermediary

§ 3:13 —Exception to the Learned Intermediary Rule: Oral
Contraceptives

§ 3:14 Post-Sale Duty to Warn

TABLE OF CONTENTS

**CHAPTER 4. BREACH OF WARRANTY
AND REPRESENTATIONS**

I. INTRODUCTION

- § 4:1 Introduction to the Law of Warranties
- § 4:2 General Principles—Privity of Contract
- § 4:3 —Reasonable Care Irrelevant

II. WARRANTIES IMPLIED BY STATUTE

A. INTRODUCTION

- § 4:4 Generally

B. THE WARRANTY OF REASONABLE FITNESS

- § 4:5 Introduction
- § 4:6 Making the Particular Purpose Known to the Seller
- § 4:7 Sale of Goods in the Course of the Seller's Business
- § 4:8 Reasonable Fitness of the Goods
- § 4:9 Exception for Goods Sold under Patent or Trade Name

**C. THE WARRANTY OF MERCHANTABLE
QUALITY**

- § 4:10 Introduction
- § 4:11 Sale by Description
- § 4:12 Seller Must be a Dealer in Goods of that Description
- § 4:13 Goods Must be of Merchantable Quality
- § 4:14 Examination of the Goods

III. WARRANTIES IMPLIED BY COMMON LAW

- § 4:15 Supply of Goods Under a Service Contract
- § 4:16 Leased Goods
- § 4:17 Biological Products

IV. EXPRESS WARRANTIES

- § 4:18 Generally

V. LIMITING LIABILITY FOR WARRANTIES

- § 4:19 Introduction
- § 4:20 Consumer Sales
- § 4:21 Fundamental Breach

§ 4:22 Warranties versus Conditions

VI. DAMAGES

§ 4:23 Generally

CHAPTER 5. TARGET DEFENDANTS

- § 5:1 Introduction
- § 5:2 Manufacturers
- § 5:3 —Duty and Standard of Care
- § 5:4 —Liability for the Negligence of Others
- § 5:5 Parts Suppliers
- § 5:6 —Duty and Standard of Care
- § 5:7 Wholesale Distributors
- § 5:8 —Duty and Standard of Care
- § 5:9 —Distributor as Warrantor
- § 5:10 Retailers
- § 5:11 —Tort Liability for Own Negligent Acts
- § 5:12 —Duty to Inspect
- § 5:13 —Duty to Warn
- § 5:14 —Dealers and Franchisees
- § 5:15 Lessors
- § 5:16 Defendants Who Loan Or Give Products Away
- § 5:17 Repairers and Installers
- § 5:18 Consumer and Standards Associations—Consumer Associations
- § 5:19 —Standards Associations
- § 5:20 Government Regulators
- § 5:21 —Liability for Policy Decisions
- § 5:22 —Liability for the Acts of Agents in Operations

CHAPTER 6. DEFENCES

- § 6:1 Introduction
- § 6:2 Voluntary Assumption of Risk
- § 6:3 Misuse of Product
- § 6:4 —Scope of Liability
- § 6:5 —Mishandling
- § 6:6 Alteration of Product
- § 6:7 —Products Leaving the Manufacturer in a Non-Negligent State
- § 6:8 —Manufacturer's Knowledge of Plaintiff's Modification
- § 6:9 —Intermediate Modification
- § 6:10 Obvious and Apparent Danger
- § 6:11 Learned Intermediary

TABLE OF CONTENTS

- § 6:12 Compliance with Regulatory Standards
- § 6:13 State of the Art
- § 6:14 Limitation Periods
- § 6:15 —Determining the Applicable Period
- § 6:16 — —Motor Vehicle Cases
- § 6:17 — —Other Special Statutes
- § 6:18 —Tolling of the Limitation Period
- § 6:19 — —The Discoverability Rule
- § 6:20 — —Minors and Plaintiffs Under Disability
- § 6:21 — —Counting Principles
- § 6:22 No-Fault Insurance Legislation

CHAPTER 7. CAUSATION

- § 7:1 Introduction
- § 7:2 Causation in Fact: the Traditional Rule
- § 7:3 Causation in Fact: Alternative Theories
- § 7:4 Causation in Fact: the Supreme Court's Restatement
- § 7:5 Supreme Court — Post-Snell Decisions
- § 7:6 —Multiple Possible Causes
- § 7:7 —Pre-existing Conditions (Thin and Crumbling Skull Plaintiffs)
- § 7:8 Causation and Res Ipsa Loquitur
- § 7:9 Causation and the Duty to Warn
- § 7:10 Causation at Law and Intermediate Examination—
Development of the Law of Intermediate Examination
- § 7:11 —Restatement of the Law of Intermediate Examination
- § 7:12 Causation and Intervening Events
- § 7:13 —The Last Clear Chance Doctrine
- § 7:14 —Intervening Cause
- § 7:15 —Intermediate Examination as an Intervening Event

CHAPTER 8. COMMON EVIDENTIARY ISSUES IN PRODUCT CASES

I. INTRODUCTION

- § 8:1 Generally

II. PRESERVATION OF EVIDENCE

- § 8:2 Preserving the Product

- § 8:3 Spoliation of Evidence
- § 8:4 —The Evidentiary Presumption
- § 8:5 —Imposition of Sanctions
- § 8:6 — —Legal Basis for Sanctions
- § 8:7 — —Cost Sanctions
- § 8:8 — —Preclusion of Evidence
- § 8:9 — —Judgment or Dismissal: the Ultimate Sanction
- § 8:10 — —Standards for Imposing Sanctions
- § 8:11 —Independent Tort of Spoliation

III. SUBSEQUENT REMEDIAL MEASURES

- § 8:12 Introduction
- § 8:13 Relevance
- § 8:14 Relevance in Discovery
- § 8:15 Admissibility at Trial

IV. SIMILAR FACT EVIDENCE

- § 8:16 Introduction
- § 8:17 General Principles
- § 8:18 Logically Probative Evidence
- § 8:19 —Propensities of the Product
- § 8:20 —State or Condition of Premises
- § 8:21 Oppressive or Unfair Evidence

V. DEMONSTRATIVE EVIDENCE

- § 8:22 Introduction
- § 8:23 Admissibility
- § 8:24 Photographs and Videotapes—Criteria for Admission
- § 8:25 —Videotapes with Audio Recording
- § 8:26 —Surveillance Tapes
- § 8:27 —“Day-in-the-life” Videos
- § 8:28 —Objections
- § 8:29 Computer Animation, Simulation and Re-creation
- § 8:30 —Simulations
- § 8:31 —Computer Re-creations
- § 8:32 Maps, Diagrams, Charts and Models
- § 8:33 Experiments and Demonstrations
- § 8:34 Taking a View
- § 8:35 Disclosure

VI. EXPERT EVIDENCE

- § 8:36 Introduction

TABLE OF CONTENTS

- § 8:37 Admissibility of Expert Evidence
- § 8:38 —Relevance
- § 8:39 —Necessity
- § 8:40 —Properly Qualified Expert
- § 8:41 —Independence and Impartiality of the Expert
Witness
- § 8:42 —Absence of an Exclusionary Rule
- § 8:43 Novel Scientific Theories and Junk Science
- § 8:44 Proper Role of Experts
- § 8:45 —Area of Expertise
- § 8:46 —Opinion Evidence
- § 8:47 —Opinion on the Ultimate Issue
- § 8:48 —Credibility of Witnesses
- § 8:49 Proper Weight of Expert Evidence

CHAPTER 9. LIABILITY FOR ECONOMIC LOSS

I. INTRODUCTION

- § 9:1 Generally

II. JUDICIAL RELUCTANCE TO COMPENSATE PURE ECONOMIC LOSSES

- § 9:2 Introduction
- § 9:3 Fear of Indeterminate Liability
- § 9:4 The “Moral Significance” of Economic Loss
- § 9:5 The Insurance Argument
- § 9:6 Discouraging a Multiplicity of Lawsuits

III. CATEGORIES OF PURE ECONOMIC LOSS

- § 9:7 Dangerous Products
- § 9:8 Complex Structure Theory
- § 9:9 Shoddy Products

CHAPTER 10. CONFLICT OF LAWS

- § 10:1 Introduction
- § 10:2 Jurisdiction Generally
- § 10:3 A New Framework for the Assumption of
Jurisdiction
- § 10:4 —Branch #1: Presumptive Connecting Factors
- § 10:5 —Branch #2: Rebutting the Presumption of
Jurisdiction

- § 10:6 —Recent Decisions
- § 10:7 —Forum of Necessity
- § 10:8 Forum Non Conveniens
- § 10:9 —Recent Decisions
- § 10:10 —Forum Selection Clauses
- § 10:11 Anti-Suit Injunctions
- § 10:12 Defensive Declaratory Actions
- § 10:13 Foreign Service
- § 10:14 Enforcement of Foreign Judgments
- § 10:15 Choice of Laws in Tort
- § 10:16 Practical Considerations
- § 10:17 —Choice of Law
- § 10:18 —Evidentiary Issues
- § 10:19 —Procedural Laws
- § 10:20 —Costs
- § 10:21 —Enforcement of Judgment

CHAPTER 11. INSURANCE

I. INTRODUCTION

- § 11:1 Generally

II. BASICS OF PRODUCT LIABILITY INSURANCE

A. GENERAL

- § 11:2 What is Product Liability Insurance?
- § 11:3 Historical Development of Liability Insurance
- § 11:4 Policy Structure and Language

B. STANDARD FORM POLICY WORDING

- § 11:5 Standard IBC forms
- § 11:6 Broker's Manuscript Policies
- § 11:7 Historical Development of IBC forms

C. BASIC RULES OF INTERPRETATION

- § 11:8 Introduction
- § 11:9 Basic Principles for Insurance Policies
- § 11:10 The Use of Contextual Interpretation
- § 11:11 Summary

TABLE OF CONTENTS

D. USE OF AMERICAN JURISPRUDENCE

§ 11:12 Generally

E. THE DUTY TO DEFEND

§ 11:13 Introduction

§ 11:14 The Basic Test

§ 11:15 Allocation of Defence Costs—Common Allocation
Issues

§ 11:16 —Allocation Where Underlying Action Alleges
Covered and Non-covered Claims

§ 11:17 —Allocation - Claims Within Deductible

§ 11:18 —Claims Beyond the Policy Limits and Excess
Insurers

III. COVERAGE ISSUES

A. GENERAL

§ 11:19 Common Coverage Problems

§ 11:20 The Insuring Agreements

§ 11:21 Problems With the Insuring Intent

B. THE PROPERTY DAMAGE QUESTION

§ 11:22 IBC Wordings

§ 11:23 Cases on Property Damage—Injury Versus
Damage

§ 11:24 —The “Accident” Requirement

§ 11:25 —Damage Caused By Integration With Other
Products

C. THE CONTRACTUAL LIABILITY EXCLUSION

§ 11:26 IBC Wordings

§ 11:27 Cases On the Contractual Liability Exclusion

D. THE “OWN PRODUCT” EXCLUSION

§ 11:28 IBC Wordings

§ 11:29 Cases On the “Own Product” Exclusion

**E. THE PRODUCT WITHDRAWAL (RECALL)
EXCLUSION**

§ 11:30 IBC Wordings

§ 11:31 Cases On the Product Withdrawal (Recall)
Exclusion

F. THE “INJURY TO WORK” EXCLUSION

- § 11:32 IBC Wordings
- § 11:33 Cases On the “Injury to Work” Exclusion

G. THE “FAILURE TO PERFORM” EXCLUSION

- § 11:34 IBC Wordings
- § 11:35 Cases On the “Failure to Perform” Exclusion

**IV. TRIGGER THEORIES: TIMING OF
COVERAGE**

- § 11:36 The Trigger Issue
- § 11:37 Exposure Theory
- § 11:38 Manifestation Theory
- § 11:39 Injury-in-Fact Theory
- § 11:40 Continuous Trigger Theory

**CHAPTER 12. SPECIAL ISSUES IN
PRODUCT LIABILITY CLASS ACTIONS**

I. GENERAL

- § 12:1 The So-Called “Paradigm” Case for Class Treatment
- § 12:2 Certification in Product Liability Class Actions

**II. CAUSES OF ACTION IN PRODUCT LIABILITY
CLASS ACTIONS**

- § 12:3 Introduction
- § 12:4 Negligence
- § 12:5 Failure to Warn
- § 12:6 Misrepresentation
- § 12:7 Breach of Contract
- § 12:8 Breach of Warranty
- § 12:9 —Consumer Protection and Sale of Goods
Legislation
- § 12:10 —Strict Liability
- § 12:11 —Conspiracy
- § 12:12 The Essential Element of Damage
- § 12:13 Waiver of Tort

III. IDENTIFIABLE CLASS

- § 12:14 The Identifiable Class Requirement
- § 12:15 Product Liability Classes

TABLE OF CONTENTS

§ 12:16 The Challenge of National and International
Classes

§ 12:17 Derivative Claims

IV. COMMON ISSUES; PREFERABLE PROCEDURE

§ 12:18 Common Issues

§ 12:19 Preferable Procedure

V. REPRESENTATIVE PLAINTIFF; THE ONUS AND NECESSARY EVIDENCE AT CERTIFICATION; CERTIFICATION RATES IN PRODUCT CASES

§ 12:20 Representative Plaintiff

§ 12:21 The Onus and Necessary Evidence at Certification

§ 12:22 Certification Rates in Product Cases

VI. TRIALS IN PRODUCT LIABILITY CLASS ACTIONS

§ 12:23 Common Issues Trials

§ 12:24 Individual Trials in Product Class Actions

PART II. PRACTICE

CHAPTER 13. THE PRELIMINARY STAGES

I. INTRODUCTION

§ 13:1 Generally

II. ASSESSING PRODUCT LIABILITY CLAIMS

§ 13:2 Assessing the Plaintiff's Case

§ 13:3 Assessing the Defendant's Case

III. GATHERING THE EVIDENCE

§ 13:4 Introduction

§ 13:5 General Principles Applicable to Both Parties

§ 13:6 Additional Issues of Particular Concern to
Plaintiffs—Determining the Defendants

§ 13:7 —Learning About the Product

- § 13:8 Additional Issues of Particular Concern to Defendants

IV. HANDLING AND PRESERVING PHYSICAL EVIDENCE

- § 13:9 Preserving Physical Evidence
§ 13:10 —Locating the Product
§ 13:11 —Maintaining the Product's Integrity
§ 13:12 Documenting the Product at the Point of Inspection
§ 13:13 Entitlement to Information from Inspections

V. RETAINING EXPERTS

- § 13:14 Introduction
§ 13:15 Locating Experts
§ 13:16 When to Retain Experts

VI. DRAFTING THE CLAIM OR DEFENCE

A. INTRODUCTION

- § 13:17 Generally

B. PLAINTIFF'S DRAFTING CONCERNS

- § 13:18 Describing the Parties and the Incident
§ 13:19 Stating the Cause of Action
§ 13:20 —Negligent Design and Manufacture
§ 13:21 —Failure to Warn
§ 13:22 —Misrepresentation
§ 13:23 —Breach of Warranty

C. DEFENDANT'S DRAFTING CONSIDERATIONS

- § 13:24 Proper Identification of the Defendants
§ 13:25 Defendant's Role in the Process
§ 13:26 Contribution By the Plaintiff and Others
§ 13:27 Expired Limitation Period
§ 13:28 Want of Causation
§ 13:29 Intervening Cause
§ 13:30 Pleading Specific Statutes

CHAPTER 14. DISCOVERY ISSUES

I. INTRODUCTION

- § 14:1 Generally

TABLE OF CONTENTS

II. DOCUMENTARY DISCOVERY

A. INTRODUCTION

§ 14:2 Generally

B. WHAT TO DISCOVER FROM THE OTHER SIDE

§ 14:3 What the Defendant Needs From the Plaintiff

§ 14:4 What the Plaintiff Needs From the Defendant

C. LEGAL AND TACTICAL CONSIDERATIONS

§ 14:5 Limiting the Parties

§ 14:6 Production From Affiliates

§ 14:7 Possession, Control and Power

§ 14:8 Production of Documents From Parallel Foreign Litigation

§ 14:9 Similar Fact Evidence

§ 14:10 Communications with Regulators

D. PRACTICAL ISSUES

§ 14:11 Foreign Affiant

§ 14:12 Translation of Documents

III. ORAL DISCOVERY

A. INTRODUCTION

§ 14:13 Generally

B. EXAMINATION OF THE PLAINTIFF

§ 14:14 Condition of the Product

§ 14:15 The Plaintiff's Own Knowledge

§ 14:16 The Accident

§ 14:17 The Defect

C. EXAMINATION OF THE DEFENDANT

§ 14:18 The Witness

§ 14:19 —The Plaintiff's Considerations

§ 14:20 —The Defendant's Considerations

§ 14:21 Areas of Examination

§ 14:22 Examination On the Defendant's Production of Documents

§ 14:23 Interpreters

IV. CONFIDENTIALITY AND SEALING ORDERS

- § 14:24 Introduction
- § 14:25 Material Disclosed in Discovery
- § 14:26 —Nature and Purpose of Confidentiality Orders
- § 14:27 —Guiding Principles Governing Confidentiality Orders
- § 14:28 —Contents of Confidentiality Order
- § 14:29 Material Filed in Court

CHAPTER 15. SUMMARY JUDGMENT IN PRODUCT CASES

- § 15:1 Introduction
- § 15:2 General Principles
- § 15:3 Application to Product Liability Cases
- § 15:4 —Summary Judgment Where Evidence is Lacking
- § 15:5 —Summary Judgment Where Limitation Period in Issue
- § 15:6 —Summary Judgment Where Spoliation has Occurred

CHAPTER 16. ISSUES AND CHALLENGES IN PRODUCT LIABILITY TRIALS

- § 16:1 Introduction
- § 16:2 Maintaining Focus
- § 16:3 —Choosing One's Battles
- § 16:4 —Establishing the Relevant Time Frame
- § 16:5 The Corporate Defendant
- § 16:6 Expert Witnesses
- § 16:7 Subsequent Remedial Measures
- § 16:8 Similar Incidents
- § 16:9 Advertising
- § 16:10 Competitors' Warnings
- § 16:11 Demonstrative Evidence
- § 16:12 The Challenge of Obscure Defects
- § 16:13 Admitting Liability

CHAPTER 17. SETTLEMENT CONSIDERATIONS

I. INTRODUCTION

- § 17:1 Generally

II. CONFIDENTIALITY

- § 17:2 Introduction

TABLE OF CONTENTS

- § 17:3 Considerations Where a Confidentiality Order Exists
- § 17:4 Where No Confidentiality Order Exists
- § 17:5 —Specific Minutes of Settlement Clauses—General Clauses
- § 17:6 —Clauses Relating to Confidentiality
- § 17:7 —Special Considerations

III. SETTLEMENT OPTIONS IN MULTI-PARTY LITIGATION

- § 17:8 Introduction
- § 17:9 Completely Exiting the Lawsuit
- § 17:10 Mary Carter Agreements
- § 17:11 —Elements of Mary Carter Agreements
- § 17:12 —Practical Effects
- § 17:13 —Advantages and Disadvantages
- § 17:14 —Conclusion
- § 17:15 Offer to Contribute
- § 17:16 Judicial Intervention: Bar Orders

CHAPTER 18. CONSUMER PRODUCT SAFETY REGULATION IN CANADA

I. INTRODUCTION

- § 18:1 Generally

II. THE RELEVANT FRAMEWORK

- § 18:2 The *Canada Consumer Product Safety Act*
- § 18:3 The *Electricity Act, 1998*

III. GENERAL PROHIBITIONS

- § 18:4 The CCPSA
- § 18:5 The *Electricity Act, 1998*

IV. RECORD-KEEPING REQUIREMENTS

- § 18:6 The CCPSA
- § 18:7 —What Records Must Be Kept?
- § 18:8 —How Long Must Records Be Kept?
- § 18:9 —Providing Records to Health Canada Inspectors
- § 18:10 —Exemptions To Keeping Records

V. MANDATORY REPORTING REQUIREMENT

- § 18:11 The CCPSA

- § 18:12 —What Constitutes a Reportable Incident?
- § 18:13 —What Constitutes a Defect?
- § 18:14 —When Does a Company Become Aware of an Incident?
- § 18:15 —Who Must Report?
- § 18:16 —What is the Timeline for Reporting?
- § 18:17 —What Information Must be Reported?
- § 18:18 —How Do You Report?
- § 18:19 The *Electricity Act, 1998*

VI. TREATMENT OF CONFIDENTIAL BUSINESS INFORMATION

- § 18:20 The CCPSA
- § 18:21 The *Electricity Act, 1998*

VII. RECALL POWERS

- § 18:22 The CCPSA
- § 18:23 The *Electricity Act, 1998*

VIII. OTHER AGENCY POWERS

- § 18:24 The CCPSA
- § 18:25 The *Electricity Act, 1998*

IX. COMMUNICATIONS WITH HEALTH CANADA RE: CONDUCTING A RECALL

- § 18:26 Generally

X. POST-RECALL REPORTING

- § 18:27 The CCPSA

XI. OFFENCES & PENALTIES

- § 18:28 The CCPSA—Offences
- § 18:29 —Penalties
- § 18:30 The *Electricity Act, 1998*

APPENDICES

- Appendix A. Theories of Liability Checklist
- Appendix B. Preliminary Steps Checklist
- Appendix C. Conflict of Laws Checklist
- Appendix D. Defendant Production Checklist

TABLE OF CONTENTS

Appendix E.	Sample Statement of Claim (Consumer Product)
Appendix F.	Sample Statement of Defence (Consumer Product)
Appendix G.	Sample Statement of Claim (Commercial Product)
Appendix H.	Sample Statement of Defence (Commercial Product)
Appendix I.	Sample Inspection and Preservation Order
Appendix J.	Sample Confidentiality Order
Appendix K.	Canada Consumer Product Safety Act
Appendix L.	Certification for Product Class Actions in Canadian Common Law Jurisdictions (Examples from Contested Motions Only)
Appendix SLL.	Selected Literature on Product Liability
Appendix WP.	Words and Phrases

Table of Cases

Index