
AMERICAN LAW OF

PRODUCTS LIABILITY 3d

TABLE OF CONTENTS

PRIMARY SOURCE DOCUMENTS BINDERS

Federal Laws
State Statutes
Restatement of Torts Second
Uniform Contribution Among Tortfeasors Act
Uniform Comparative Fault Act
Model Uniform Product Liability Act
Restatement Third, Torts: Products Liability
Uniform Commercial Code

PRACTICE AIDS BINDERS

Forms
Checklists
Pattern Discovery
Pattern Jury Instructions

BINDER 1

Part 1: Introduction

Chapter 1—Overview of Products Liability Law
Chapter 2—Impact of Federal Law

Part 2: Common Elements of Products Liability Cases

Chapter 3—Defectiveness of Injury-Causing Product

Chapter 4—Proximate Causation

Part 3: Parties Liable

Chapter 5—Liability of Parties in Chain of Distribution

Chapter 6—Status as Manufacturer of Product

Chapter 7—Liability of Successor for Injury Caused by Product of Predecessor

Chapter 8—Liability of Finished Product Manufacturers and Component Manufacturers

Chapter 9—Liability in Absence of Identification of Manufacturer of Injury-Causing Product

Part 4: Negligence Liability

Chapter 10—Basic Elements of Negligence Case

Chapter 11—Inspection and Testing for Defects

Chapter 12—Compliance or Noncompliance with Standards or Law

Chapter 13—Privity of Contract

Chapter 14—Proof of Breach of Duty

Chapter 15—Res Ipsa Loquitur

BINDER 2

Part 5: Strict Liability in Tort

Chapter 16—Basic Elements of Strict Liability Case

Chapter 17—Defective and Unreasonably Dangerous Condition of Product

Part 6: Warranty Liability

Chapter 18—Warranty Remedies

Chapter 19—Express Warranties

Chapter 20—Implied Warranties

Chapter 21—Privity of Contract

TABLE OF CONTENTS

Chapter 22—Waiver, Exclusion, or Modification of Warranties

Chapter 23—Notice of Breach of Warranty

Chapter 24—Proof of Breach of Warranty

BINDER 2A

Part 7: Other Theories of Liability

Chapter 25—Fraud and Deceit

Chapter 26—Misrepresentation

Chapter 27—Willful or Intentional Wrong; Nuisance

Part 8: Design and Manufacturing Defects

Chapter 28—Design Defect as Basis for Liability

Chapter 29—Enhanced Injuries

Chapter 30—Proof of Defective Product Design

Chapter 31—Manufacturing Defects

BINDER 3

Part 9: Warnings

Chapter 32—Failure to Warn as Basis for Liability

Chapter 33—Form, Expression and Dissemination of Warnings

Chapter 34—Proof and Determination of Warnings Liability

Part 10: Nonsales

Chapter 35—Product Inspection, Demonstration or Handling Prior to Sale; Product Samples

Chapter 36—Bailments and Leases of Products

Part 11: Services and Real Estate

Chapter 37—Services

Chapter 38—Defects in Real Estate

Part 12: Defenses

Chapter 39—Defenses Under Products Liability Acts

Chapter 40—Contributory Negligence; Comparative Fault

AMERICAN LAW OF PRODUCTS LIABILITY 3d

Chapter 41—Assumption of Risk

Chapter 42—Misuse of Product

Chapter 43—Alteration of Product

Chapter 44—Unusually Susceptible Consumer

Chapter 45—Government Contractors' Defenses

BINDER 4

Part 13: Procedure

Chapter 46—What Law Governs

Chapter 47—Limitations of Actions; Statutes of
Repose

Chapter 48—Jurisdiction

Chapter 49—Venue; Forum Non Conveniens

Chapter 50—Pleadings and Motions

Chapter 51—Joinder of Claims and Parties; Class
Actions

Chapter 52—Apportionment of Liability; Contribution
and Indemnity

BINDER 4A

Part 13: Procedure (cont'd)

Chapter 53—Discovery

Chapter 54—Evidence and Witnesses

BINDER 4B

Part 13: Procedure (cont'd)

Chapter 55—Preclusive Effect of Prior Judgments

Chapter 56—Jury Instructions; Verdicts

Chapter 57—Settlements

Chapter 58—Insurer's Duty to Defend

Chapter 59—Bankruptcy Procedures

Part 14: Damages and Fees

Chapter 60—Damages

TABLE OF CONTENTS

Chapter 61—Attorneys’ Fees and Costs

Part 15: Consumer Product Safety Laws

Chapter 62—Overview of Federal Laws

Chapter 63—Civil Actions by Consumers

Chapter 64—Product Recall Evidence

BINDER 4C

Part 16: Practice

Chapter 65—(Reserved)

Chapter 66—Plaintiff’s Pretrial Practice: Preparing a
Discovery Plan; Interrogatories

Chapter 67—Plaintiff’s Pretrial Practice: Document
Requests

Chapter 68—Plaintiff’s Pretrial Practice: Experts

Chapter 69—Plaintiff’s Pretrial Practice: Depositions

Chapter 70—Plaintiff’s Pretrial Practice: Motions;
Follow-Up Discovery; Final Stages Before
Trial

BINDER 4D

Part 16: Practice (cont’d)

Chapter 71—Plaintiff’s Trial Practice: Preparation; Voir
Dire

Chapter 72—Plaintiff’s Trial Practice: Opening
Statement

Chapter 73—Plaintiff’s Trial Practice: Case-in-Chief

Chapter 74—Plaintiff’s Trial Practice: Coping with
Defendant’s Presentation of Evidence

Chapter 75—Plaintiff’s Trial Practice: Motions; Jury
Instructions; Exhibits

Chapter 76—Plaintiff’s Trial Practice: Closing
Argument

Chapter 77-79—(Reserved)

BINDER 5

Part 17: Food and Beverages

Chapter 80—Food Products Containing Foreign
Substance

AMERICAN LAW OF PRODUCTS LIABILITY 3d

- Chapter 81—Food Products Inherently Unwholesome
- Chapter 82—Beverages Containing Foreign Substance
- Chapter 83—Beverages Inherently Unwholesome

Part 18: Containers and Packaging

- Chapter 84—Glass Bottles and Containers
- Chapter 85—Nonglass Containers and Packaging

BINDER 6

Part 19: Personal Products

- Chapter 86—Personal Care Products
- Chapter 87—Clothing and Wearing Apparel
- Chapter 88—Tobacco Products

Part 20: Health-Related Products

- Chapter 89—Drugs and Medicines

BINDER 6A

**Part 20: Health-Related Products
(cont'd)**

- Chapter 90—Contraceptives
- Chapter 91—Health and Medical Appliances,
Equipment, and Supplies

Part 21: Household Products

- Chapter 92—Appliances
- Chapter 93—Cleaning Supplies
- Chapter 94—Furnishings and Equipment

BINDER 7

Part 22: Transportation

- Chapter 95—Automobiles
- Chapter 96—Motorcycles

BINDER 7A

Part 22: Transportation (cont'd)

- Chapter 97—Vans, Trucks, Trailers, and Buses

BINDER 7B

Part 22: Transportation (cont'd)

Chapter 98—Tires and Wheels

Chapter 99—Aircraft

Chapter 100—Boats

Chapter 101—Trains

BINDER 8

Part 23: Athletic and Recreational Products

Chapter 102—Athletic Equipment and Supplies

Chapter 103—Toys and Games

Chapter 104—Recreational Vehicles

Chapter 105—Other Recreational Equipment

Part 24: Firearms, Explosives, and Inflammables

Chapter 106—Firearms and Ammunition

Chapter 107—Blasting Supplies and Fireworks

Chapter 108—Other Explosives and Inflammables

BINDER 8A

Part 25: Agricultural, Yard, and Animal Care Products

Chapter 109—Agricultural Machinery and Equipment

Chapter 110—Yard and Crop Care Products

Chapter 111—Animals and Animal Feeds, Medicines, and Supplies

BINDER 9

Part 26: Products Used in Business, Industry, and Construction

Chapter 112—Machinery and Tools

BINDER 9A

**Part 26: Products Used in Business,
Industry, and Construction (cont'd)**

Chapter 112—Machinery and Tools (cont'd)

BINDER 10

**Part 26: Products Used in Business,
Industry, and Construction (cont'd)**

Chapter 113—Materials and Supplies

Chapter 114—Structures and Roads

Part 27: Other Products

Chapter 115—Heating Equipment

Chapter 116—Cooling Equipment

Chapter 117—Electricity and Electrical Equipment

BINDER 11

Part 27: Other Products (cont'd)

Chapter 118—Fire Protection Equipment

Chapter 119—Publications

Chapter 120—Mobile Homes

Chapter 121—Telecommunications Equipment

Chapter 122—Asbestos Products

Chapter 123—Commercial Furnishings and Other
Equipment

INDEX BINDER

TABLES BINDER

Table of Laws and Rules

Table of Cases

**PRODUCTS LIABILITY QUICK REFERENCE
PRODUCT CITATOR BINDER A**

I. Food and Beverages §§ 1-46

TABLE OF CONTENTS

- II. Containers and Packaging §§ 47-72
- III. Personal Products §§ 73-110
- IV. Health-Related Products §§ 111-173
- V. Household Products §§ 174-205

**PRODUCTS LIABILITY QUICK REFERENCE
PRODUCT CITATOR BINDER B**

- VI. Transportation §§ 206-294

**PRODUCTS LIABILITY QUICK REFERENCE
PRODUCT CITATOR BINDER C**

- VII. Athletic and Recreational Products §§ 295-328
- VIII. Firearms, Explosives, and Inflammables
§§ 329-346
- IX. Agricultural, Yard, and Animal Care Products
§§ 347-379
- X. Products Used in Business and Industry §§
380-421

**PRODUCTS LIABILITY QUICK REFERENCE
PRODUCT CITATOR BINDER D**

- X. Products Used in Business and Industry
§§ 422-480
- XI. Other Products §§ 481-534

