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# Owen & Davis on Products Liability

4<sup>th</sup> Edition

by David G. Owen and Mary J. Davis

We are pleased to enclose the **2025 Supplement** to *Owen & Davis on Products Liability, 4<sup>th</sup> Edition*, containing comprehensive updates to the four volumes of your treatise. Please note that, for ease of handling, the materials in this shipment may ship in more than one box.

## Shelving Instructions

Remove and recycle the 2024 Supplement pocket parts, located in the back of volumes 1 to 3, and next to volume 4 on your shelf. Place the new 2025 Supplement pocket parts for volumes 1 to 3 in the back of their respective volumes, and place the new 2025 Supplement pamphlet for volume 4 next to the volume.

## Highlights

This 2025 Supplement maintains your treatise as an invaluable, up-to-date resource by integrating coverage of major products liability decisions and developments into appropriate sections. It provides coverage of products liability cases and statutes from all jurisdictions through early 2025. Among the developments contained in the supplement, you will find:

- Enhanced and updated discussion of major doctrines and essential aspects of products liability law, including: negligence (§§ 2:2, 2:7); fraud and misrepresentation (§§ 3:2, 3:10, 3:11); warranty (§§ 4:27, 4:28); strict liability (§§ 5:5, 5:29); nature and proof of defectiveness (§§ 6:5, 6:7); manufacturing defects (§§ 7:3, 7:20); design defects (§§ 8:10, 8:26); warning defects (§§ 9:18, 9:28); limitations on defectiveness (§§ 10:9, 10:19, 10:23); causation (§§ 11:14, 11:19, 12:9); defenses (§§ 13:7, 13:10, 4:11, 14:12); preemption (§§ 15:13, 15:17); special defendants, transactions, and products (§§ 16:32, 17:28, 17:36, 18:15, 20:8); consolidation (§ 21:5); multiple plaintiffs and defendants (§§ 22:4, 22:8, 23:6); damages (§§ 25:9, 25:14, 26:32); and more.
- Coverage of essential cases from throughout the country, such as: *Parks v. Kia Motors America, Inc.* (6th Circuit found trial court erred in excluding expert testimony on unintended acceleration) (§§ 6:7,

18:4); *Johnston v. Ferrellgas, Incorporated* (5th Circuit, applying Texas law, found insufficient evidence a propane tank valve was defective when it left the manufacturer) (§§ 7:4, 7:18); *Shears v. Ethicon, Inc.* (W. Va. Supreme Court noted that a plaintiff alleging malfunction must show there was neither abnormal use nor a reasonable secondary cause) (§§ 7:20, 8:10); *American Honda Motor Co., Inc. v. Milburn* (Texas Supreme Court found insufficient evidence to rebut statutory presumption of manufacturer non-liability) (§§ 9:1, 14:9); *Davis v. Simon Contractors, Inc.* (8th Circuit, applying Nebraska law, noted that assumption of risk defenses requires proof of knowledge of specific danger) (§§ 9:28, 13:14); *Edwards v. Scapa Waycross, Inc.* (S.C. Supreme Court found trial court did not err in allowing expert testimony on mesothelioma) (§§ 11:19, 12:3); *Schaffner v. Monsanto Corp.* (3rd Circuit held FIFRA preempts claims based on label authorized under EPA's pre-registration process) (§ 15:17).

- References to numerous helpful resources, including treatises, studies, and articles in law reviews and scholarly publications.
- Comprehensive appendix updates, including the addition of new statutes and updated coverage of existing statutes.

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