

Products Liability

Strict Liability Recap

Fletcher v. Rylands

Rylands v. Fletcher

Liability applies for:

PWFOPBOHL&C&KTALDMIIE

Limits on Strict Liability

Fletcher v. Rylands

--- PWFOPBOHL&C&KTALDMIIE

Rylands v. Fletcher

--- PWFOPBOHL&C&KTA “non-natural” and LDMIIE

First Restatement

--- “ultrahazardous activity”

Second Restatement

--- “abnormally dangerous activity”

Indiana Harbor Belt v. American Cyanamid

Strict liability applies for behavior that is:

- Very risky and that risk cannot be eliminated at reasonable cost

AND

- Not susceptible to due care analysis

Tort law is the law of
negligence.

Strict liability is the law of tort law when negligence fails.

MacPherson v. Buick Motor Co.



MacPherson v. Buick Motor Co.

Macpherson Test

If object can put life and limb in danger if negligently made

And defendant has knowledge of probable danger

And defendant has knowledge that it will be used by people other than the purchaser

And no further tests will be performed

Then manufacturer has a duty and privity is no defense

Escola v. Coca Cola

**Activism
in Pursuit
of the
Public Interest:**

**The
Jurisprudence of
Chief Justice**

ROGER J. TRAYNOR



BEN FIELD

Rationale

Power dynamics

Cost spreading / insurance

Deterrence

Extensions of Liability

Plaintiffs: Not just consumers but bystanders.

Defendants: Not just manufacturers but retailers.

Defect Requirement