

Manufacturing and Design Defects

Housekeeping

Make up class:

8:45am - 10:00am on Thursday April 27, 2023

Hall of the 70s (this classroom)

Office hours today:

12:00pm - 1:00pm

Study Room C302 in the Library

Strict Liability Recap

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.

&

Escola v. Coca Cola

Strict Liability Rationale

- Power dynamics
- Cost spreading / insurance
- Deterrence

Products Liability

- Manufacturing defects
- Design defects
- Instructions and warnings

Manufacturing Defects

Design Defects

Cronin v. J.B.E. Olson

Restatement (Second) of Torts

§ 402A. Special Liability Of Seller Of Product For Physical Harm To User Or Consumer

(1) One who sells any product in a defective condition ~~unreasonably dangerous to the user or consumer or to his property~~ is subject to liability for physical harm thereby caused...

Barker v. Lull Engineering

Two tests:

- 1) Consumer expectations
- 2) Excessive preventable danger

Soule v. General Motors

When does the consumer expectations test apply?

**Not at
all clear!**

It depends upon the “everyday experience of the product’s users”

~~1) Consumer expectations~~

2) Excessive preventable danger

“Reasonable *Alternative* Design”

“Reasonable Alternative Design” Challenges

