



## How Does a Product Liability Case Work?

Thursday, February 16, 2023.

Typically, product liability lawsuits are filed by consumers who hold manufacturers, distributors, and sellers of defective products liable for injuries or damages caused by the defective products they purchased. There are many types of products that can cause these types of lawsuits, including automobiles, medical devices, consumer goods, and industrial equipment, among others.

A discussion of the types of product liability cases, the legal principles involved, and the potential damages will be presented in this article.

### **Products Liability Case Types**

Under tort law, there are generally three types of product liability cases: design defects, manufacturing defects, and failure to warn defects.



#### **Defects in design**

Design defects exist when a product's design is inherently dangerous, and the product is inherently defective, thus unreasonably dangerous even if it is manufactured properly. It alleges that the product is dangerous due to its design, which causes it to be unsafe even when used as intended. In other words, a design defect occurs when the product's design poses a risk to the consumer.

#### **Failure to warn defects**

The failure to warn defect occurs when the product is designed to be safe, and the manufacturer has manufactured it correctly, but the manufacturer has failed to provide adequate instructions about how to use the product safely. In other words, the product is safe when used correctly, but it becomes dangerous when the consumer does not receive sufficient warnings or instructions.

#### **Defects in manufacturing**

In contrast to design defects, manufacturing defects occur during production. In manufacturing defects, an error occurs during the manufacturing process, which results in a product that does not conform to the design of the manufacturer. The product is designed correctly, but an error occurred during manufacturing, making it unsafe for consumers.

## **Product Liability Laws: Legal Principles**

Product liability requires the plaintiff to prove that the product was defective and that the defect caused injury or damage. To succeed, the plaintiff must demonstrate:

- The defective product
- The defect caused the injury or damage, and
- At the time of the injury or damage, the plaintiff was using the product as intended.

Each of these elements must be proven by a preponderance of the evidence, which means that the plaintiff must show that the product was defective and that the defect caused the plaintiff's injuries.

Defining a defective product can be challenging since the plaintiff must demonstrate that the product performed poorly or was unreasonably dangerous in order to prove it was defective. It is possible for a plaintiff to gather the necessary evidence and prove that the product was defective with the help of an experienced personal injury attorney.

Also, the plaintiff must prove that they suffered harm as a result of the defect, such as physical injuries, property damage, or financial loss.

In addition, the plaintiff must prove that they used the product as intended when the injury occurred. This means that the plaintiff must show that they were using the product in a reasonably foreseeable way, and not misusing the product in a way not intended by the manufacturer.

### **In a Product Liability claim, what damages can I recover?**

If a plaintiff succeeds in a product liability case, they may be entitled to recover damages for the harm they have suffered. In a product liability case, the types of damages available may vary depending on the jurisdiction in which the case is filed and the facts of the case. Some of the types of damages that may be recovered in a products liability suit include:

1. Lost wages
2. Medical expenses
3. Loss of consortium
4. Property damage
5. Punitive damages
6. Pain and suffering