

# PRODUCTS LIABILITY AND SAFETY

CASES AND MATERIALS

SEVENTH EDITION

DAVID G. OWEN

MARY J. DAVIS

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UNIVERSITY CASEBOOK SERIES®

# PRODUCTS LIABILITY AND SAFETY

CASES AND MATERIALS

SEVENTH EDITION

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*To John Montgomery*

and

D.G.O.

*To Zellie, Reese, Eli, Walker, and Mattie*

M.J.D.

*To Josephine and Edward Davis*

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## PREFACE TO THE SEVENTH EDITION

The seventh edition of *PRODUCTS LIABILITY AND SAFETY* captures recent developments in the field and continues our quest to enhance the portrait of products liability law, theory, and practice revealed by the cases and materials assembled in prior editions. Although the rate of doctrinal change has slowed substantially from the period of tumultuous growth during the 1960s, 1970s, and early 1980s, courts, legislatures, and commentators continue to search for improved approaches to numerous products liability perplexities. Moreover, products liability “reform” in legislatures and the courts continues apace, and the ALI’s *Restatement (Third) of Torts: Products Liability* continues to influence various aspects of this field of law.

This edition adds a number of new cases and legislative developments, makes some organizational enhancements, and streamlines presentation. This revision continues to stress developments in the evolving meaning of “defectiveness” and problems of proof arising in particular from the Supreme Court’s *Daubert v. Merrell Dow* decision. As in prior editions, we have updated and otherwise enriched the materials on federal preemption.

Most footnotes and many citations are omitted from the principal materials without notation; original numbering is retained for footnotes that remain. Asterisks designate footnotes of the editors. Ellipses and brackets indicate omissions. Within cases, formatting and citation form generally are standardized; page references to trial transcripts, exhibits, and pleadings ordinarily are omitted without notation; parties generally are identified by their trial designations; and other minor technical revisions are designed to enhance clarity of presentation.

Because of the ready availability of excellent research sources, listed on page 37, in the interest of brevity we have omitted most references to such sources in this edition. If we have dropped or altered materials that users prefer we had retained, we extend our permission to reproduce selected materials from earlier editions for classroom use. Many improvements in the book reflect comments from users of previous editions. We appreciate all such suggestions and hope that users of the seventh edition will continue to pass along their ideas on how the book may be improved.

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We also thank generations of law students who have furnished research, editorial, and administrative assistance on each edition of this work. For this edition, we express our appreciation to our research assistants Thomas Clinkscales, Todd Lyle, Jennie Rischbieter, Danielle Salerno, Seth Singleton, and Scarlett Steuart. Working in many ways to enhance the new edition—from research, editing, and production oversight—our research associate, Karen Miller, deserves our most special thanks. At Foundation Press, we are grateful for the support of Tessa Boury, Pamela Siegel Chandler, Whitney Esson, Pat Heinz, Laura Holle, Greg Olson, Mac Soto, and Pat Sparks.

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