

Types of Product Liability Claims to Consider

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Screen all serious injury cases for product liability claims

- Auto
- Workplace
- Home
 - Electrical
 - Toys
- Recreational Products



Don't Miss the Main Defendant In Your Product Liability Case



**We find every responsible party
because of our clients' needs.**



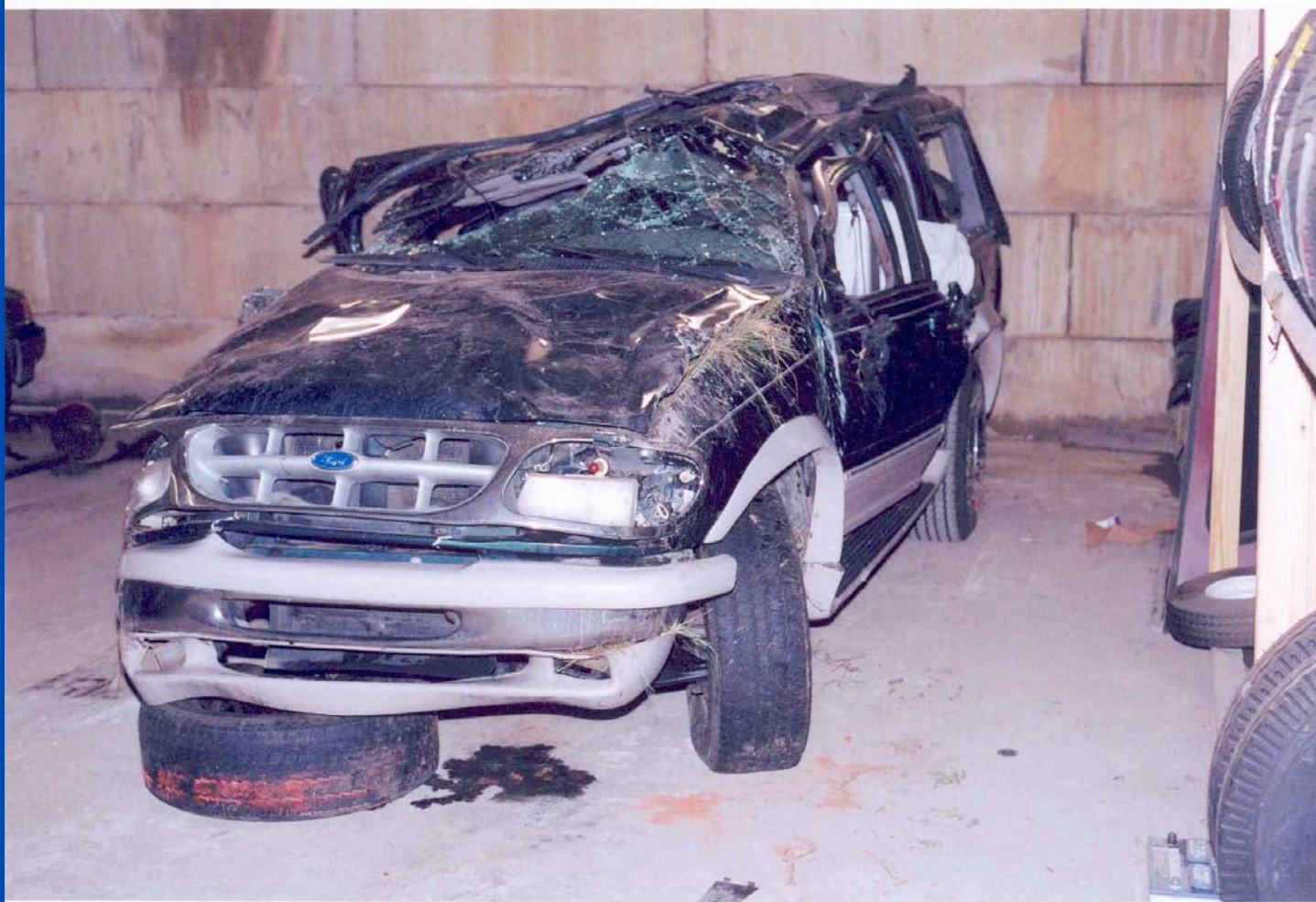
**We find every responsible party
because of our clients' needs.**



How to Screen a Product Liability Case

- Preserve the Evidence
- Inspect Product / Inspect Scene
- Preliminary Accident Reconstruction
 - A review of the accident photos and accident report should allow a good understanding of what happened.
- Defect Investigation
- Experts

Preserve the Evidence! - Vehicle



Preserve the Evidence!

- Component Parts



Preserve the Evidence! - Scene



Preserve the Evidence!

- Witnesses



What clues suggest a potential product defect issue?

- Minor and severe injuries in one accident



What clues suggest a potential product defect issue?

- Did something break or not operate as expected?
 - Did a tire fail?
 - Did an airbag fail to deploy?
 - Did a seatbelt or seat part fail?
- Did someone end up where they should not?
 - Was a belted occupant ejected?
 - Did a front seat passenger end up in the back seat?
 - Did a door come open?

Accepting and Preparing the Rollover Crashworthiness Case

- Accepting a rollover crashworthiness case is a calculated risk.
- Vehicle manufacturers strenuously defend these cases.

Careful consideration should be given before accepting cases involving:

- High Speed or Severe Impact
- Intoxicated or Impaired Drivers
- Non-belted Occupants
- An Unavailable Product or Component
- Clients are not seriously and permanently injured

Partial List of Commonly Encountered Auto Design Defects:

■ ROLLOVER ACCIDENTS

- Tire failure
- Sport utility vehicle instability
- 15 passenger van instability
- Lack of Electronic Stability Control (ESC)

Partial List of Commonly Encountered Auto Design Defects:

■ ROLLOVER CRASHWORTHINESS

- Roof crush
- Seat belt slack
- Seat belt unlatching
- Lack of Ejection Protection
 - * Laminated glass
 - * Door Opening

Partial List of Commonly Encountered Auto Design Defects:

■ AIR BAGS

- Air bag non-deployment
- Airbag deployment in low-speed impact

■ FUEL SYSTEM INTEGRITY - FIRES

**TYPES OF PRODUCT
LIABILITY CLAIMS TO
CONSIDER**

TIRE FAILURE



Daytona S/R P235/70R15



COMMON DEFENSES

- Underinflation
- Impact Damage
- Punctures / Improper Repair
- Driver Control

Supplemental Limited Mileage Warranty

Supplemental Limited Mileage Warranty for passenger and light truck tires indicated below

Who is covered by this supplemental warranty?

This supplemental limited warranty only covers the original purchaser, and only for so long as the tires covered hereby remain mounted on the vehicle described in the Customer Identification Section (page 21 of this manual).

What is covered and for how long?

This supplemental limited warranty covers the passenger and light truck tires listed below used in non-commercial service. Tires branded "NO ADJ" are not warranted.

The covered tires are warranted as follows:

BRIDGESTONE:

TURANZA T ¹	LIFETIME	POTENZA RE910	60,000 MILES
TURANZA H	50,000 MILES	POTENZA RE900	50,000 MILES
TURANZA V	40,000 MILES	POTENZA RE930	40,000 MILES
TURANZA Z	40,000 MILES	EAGER	40,000 MILES
BT70e	70,000 MILES	DUELER H/T	60,000 MILES
S402	50,000 MILES	DUELER H/P	50,000 MILES

*Lifetime Limited Treadwear Warranty—

Turanza T tires adjusted under this warranty will be replaced free of charge including mounting and balancing fees but exclusive of taxes and disposal fees within 3 years from date of purchase. (Proof of Purchase required.)

After the free replacement period (3 years), to determine the replacement price of Turanza T tires, 50% will be multiplied by THE DEALER'S then current selling price plus taxes and disposal fees, but exclusive of mounting and balancing which are free of charge.

FIRESTONE:

AFFINITY	80,000 MILES	FIREHAWK TOURING LH	60,000 MILES
FT70e	70,000 MILES	FIREHAWK SE30	50,000 MILES
FR680	65,000 MILES	FIREHAWK GTA	40,000 MILES
FR680e	65,000 MILES	FIREHAWK FTX	40,000 MILES
FR440	60,000 MILES	FIREHAWK SS10	50,000 MILES
SUPREME	55,000 MILES	FIREHAWK R4S	60,000 MILES
FR410	50,000 MILES	WILDERNESS HT	60,000 MILES
FR360	45,000 MILES	WILDERNESS AT	50,000 MILES
F560	50,000 MILES	F 570	60,000 MILES

— Except sizes P185/65R14 85S which has no mileage warranty and P195/70R14 90H, which has a 40,000 mile Limited Treadwear Warranty

— Except size P185/65R14 85S which has no mileage warranty

— FTX_{es} not covered by mileage warranty

DAYTON:

PREMIUM GT TOURING	80,000 MILES	QUADRA SE	55,000 MILES
DAYTONA TOURING ^{CLASSIC SERIES}	55,000 MILES	DAYTONA METRIC	40,000 MILES
DAYTONA TOURING ^{SPORT SERIES}	70,000 MILES	DAYTONA RADIAL SR	50,000 MILES
QUADRA LITE	65,000 MILES	DAYTONA HR/4	40,000 MILES

ROAD KING:

PREMIUM GT TOURING	80,000 MILES	WIDETRACK METRIC	40,000 MILES
REGENCY TOURING	70,000 MILES	SPORT S/R	50,000 MILES
WIDETRACK TOURING	55,000 MILES	HR/4	40,000 MILES
GRENADIER LITE	65,000 MILES	WIDETRACK RADIAL AS	65,000 MILES
GRENADIER SE	55,000 MILES	GRENADIER RADIAL	40,000 MILES

GILLETTE:

KODIAK TOURING LE	70,000 MILES	SPRINT METRIC	40,000 MILES
GOLDEN BEAR TOURING SE	65,000 MILES	SPRINT G/T S/R	50,000 MILES
SPRINT TOURING	55,000 MILES	SPRINT G/T H/R	40,000 MILES
SILVER BEAR	55,000 MILES		

PEERLESS:

PERMASTEEL TOURING LE	70,000 MILES	AMBASSADOR	35,000 MILES
PRESIDENT TOURING SE	65,000 MILES	SPRINT METRIC	40,000 MILES
SPRINT TOURING	55,000 MILES	SPRINT G/T S/R	50,000 MILES
PRESIDENT II	55,000 MILES	SPRINT G/T H/R	40,000 MILES

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1/31/98

POLARIS:

PRECISION TOURING	70,000 MILES	METRIC	40,000 MILES
R4000	45,000 MILES	PRECISION SPORT SR	45,000 MILES
R3000	35,000 MILES	PRECISION SPORT HR	40,000 MILES

SEIBERLING:

SEIBERLING I	35,000 MILES	FALCON SPORT SR	45,000 MILES
SEIBERLING II	45,000 MILES	FALCON SPORT HR	40,000 MILES
METRIC	40,000 MILES		

TRIUMPH

RADIAL 1200/1	35,000 MILES	RADIAL 2000/II	45,000 MILES
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LEMANS

TOURING	60,000 MILES	HR	40,000 MILES
RADIAL SR	45,000 MILES	METRIC	40,000 MILES

If a covered tire wears evenly across the tread down to the tread wear indicators (2/32nds of an inch of tread remaining) during the stated warranted mileage for that tire, as evidenced by the vehicle's odometer, or within 5 years (6 years for Firestone Affinity and Bridgestone Turanza S) from the date of retail purchase (proof of purchase required), whichever comes first, for any reason other than those described under "What is warranted and for how long?" on page 1 of this manual, such tire will be replaced with an equivalent new tire, upon payment of the replacement price as defined in the "Replacement Price" section below.

Replacement Price

To determine replacement price, the percent of warranted mileage obtained is multiplied by THE DEALER'S then current selling price for the replacement tire(s). Taxes, balancing, disposal fees, or other service charges may be added to the adjustment replacement price.

Replacement Warranty

If you receive a replacement tire under this warranty, it will be covered by the manufacturer's warranty and the supplemental limited mileage warranty that BRIDGESTONE/FIRESTONE, INC. then gives on that tire.

Where To Go

Tire adjustments under this warranty will only be made at a Bridgestone/Firestone and Associated Brand Dealer Location. They are listed in the Yellow Pages under "Tire Dealers-Retail".

Consumer Rights

This supplemental limited warranty and the manufacturer's warranty give you specific legal rights. You may also have other rights in your state.

Conditions and Exclusions

IMPORTANT: In accordance with Federal Law, this warranty has been designated as a "Limited Warranty." Nothing in this warranty is intended to be a representation by Bridgestone/Firestone, Inc. that tire failures cannot occur or a representation that you will receive the level of mileage warranted. Nevertheless, we will adjust your tire as described under this limited mileage warranty if you do not get the warranted mileage.

To the extent permitted by law Bridgestone/Firestone, Inc. disclaims liability for consequential and incidental damages.

Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you. Bridgestone/Firestone, Inc. obligations under this warranty may not be enlarged upon or altered by anyone.

Owner's Obligations

IMPORTANT: Proper tire care is necessary to obtain the maximum mileage and wear from a tire. In order to keep your limited warranty valid, we require you to have your tires rotated and inspected every 5,000 miles, and to furnish proof of same at the time you make your warranty claim. Such proof should show the date, mileage, and approval of the servicing location. A sales record containing this information will suffice. A maintenance record is provided on page 22 of this manual.

It is your obligation to see that your tire/wheel assemblies are in balance and that your tires are operated at proper cold inflation pressures.

Check pressure of each of your tires, including spare, at least weekly when the tires are cold and adjust as necessary per your owner's manual.

When making a claim, you must present your original invoice along with this warranty, complete and sign the customer section of THE DEALER adjustment form, and return the tire.

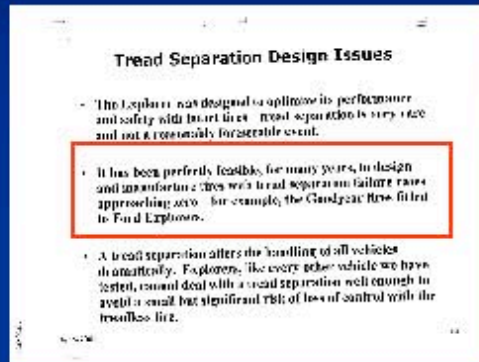
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Gilmore Tire is Substantially Similar to the ATX/AT Tires Which Failed

- Built at the Decatur Plant.
- Virtually the Same Size.
- Passenger Tires.
- Designed and Manufactured under C-95 changes.
- Same Skim Stock – J2757.
- Same Inner Liner – B3737.
- Same Belt Wedge -- .020.
- Same mileage – 50,000.
- Same maximum pressure – 35 psi.
- Same Machines, Design Process, Testing, Manufacturing Process, Tire Builders, Engineers, Quality Control.

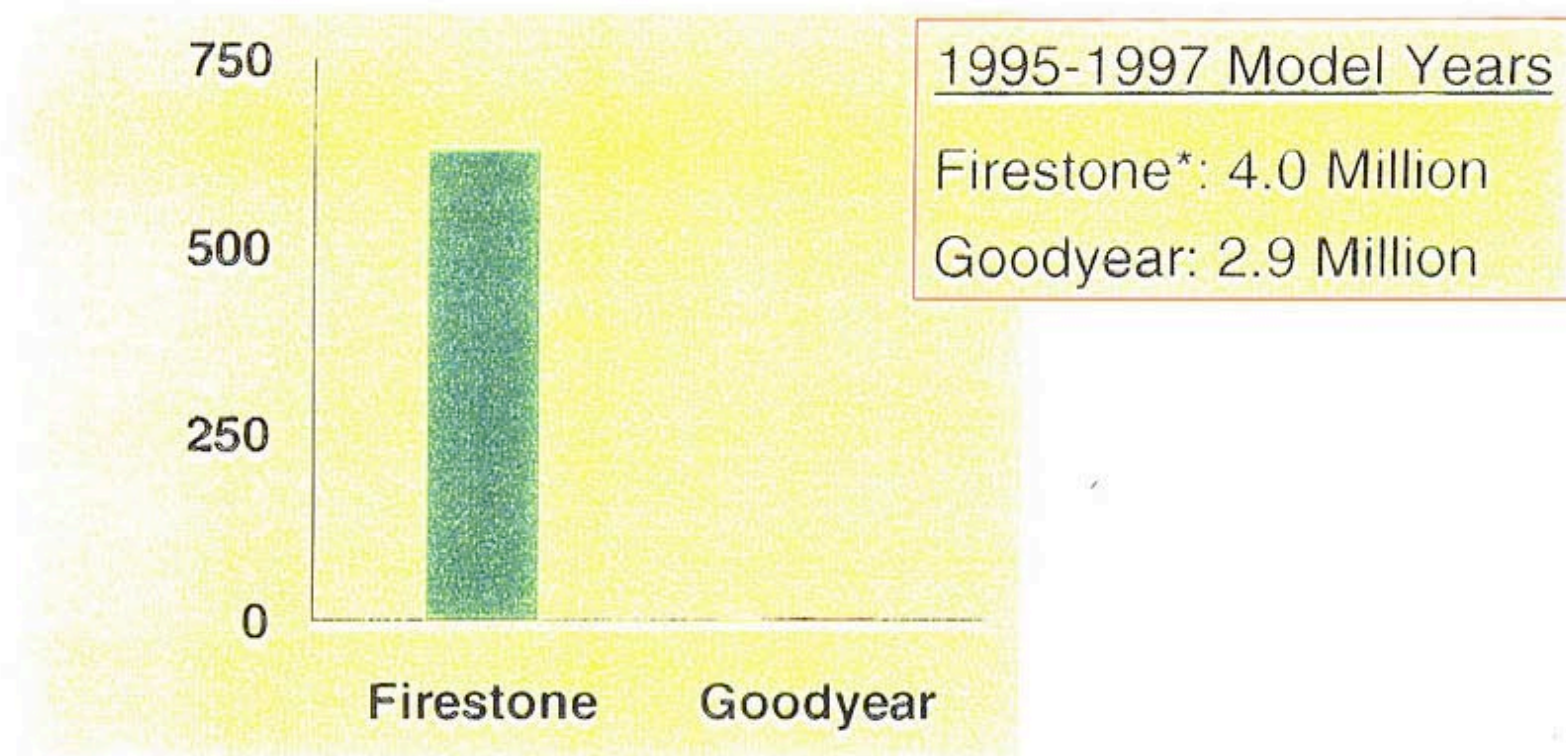
Ford's Position on Tread Separations



Ex. 1038-037

- “It has been perfectly feasible for many years to design and manufacture tires with tread separation failure rates approaching zero. For example, the Goodyear tires fitted to Ford Explorers.”

Firestone and Goodyear Tires on Ford Explorers
Tread Separation Reports



* Includes Only Recalled Tires

Firestone Tread Separations based on Firestone Property Damage claims, Injury claims and Lawsuits submitted pursuant to NHTSA Inquiry, provided to Ford Motor Company on 12/06/00.

Goodyear Tread Separations based on Confidential Information Supplied to Ford in a September 5, 2000 Letter From Goodyear.

March 28, 2001

FUEL FED FIRES



Any post-collision fuel fed fire (“PCFFF”) case should start from the concept that a reasonable criterion for fuel system crashworthiness is:

That the vehicle’s fuel system will not leak in a crash from which the occupants can reasonably be expected to survive.

The design criteria proposed by General Motor's engineers Ronald Elwell and James Steger to GM management in 1972 in the document known as the "Abstract of Presentation on Fuel System Integrity" is:

"A recommended level of fuel system performance is given for front, side and rear impacts, and rollover, premised on the concept that occupants involved in collisions which produce occupant impact forces below the threshold level of fatality should be free from the hazard of post-collision fuel fires."

FUEL SYSTEM FAILURE MODES:

- Puncture of the Fuel Tank
- Tearing of the Fuel Tank
- Hydrodynamic Bursting
- Gas Cap Separation or Movement
- Abrasion
- Failure of Miscellaneous Fuel Tank Connections or Fuel Line Connections

DESIGN SOLUTIONS

- Fuel Tank Locations
- Safety Check Valves
- Shielding

Any time an occupant survives the crash, they should not be exposed to the hazard of a post-collision fuel fed fire.

LAMINATED GLASS

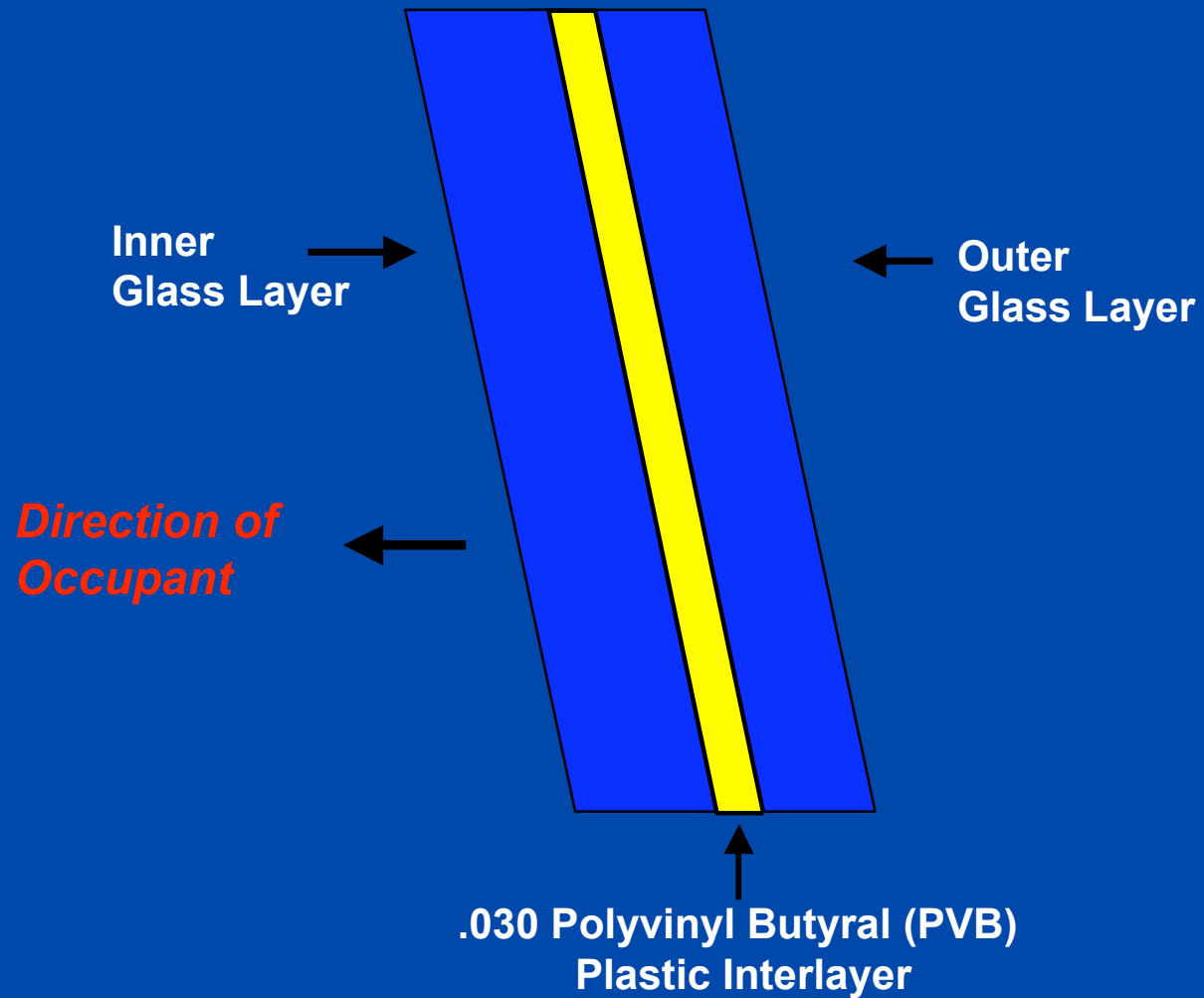
Ejection & Glazing

GLAZING (automotive glass) provides an important, often overlooked, element of a vehicle's occupant restraint system.

LAMINATED GLASS

- A type of safety glass that holds together when shattered.
- In the event of breaking, laminated glass is held in place by an interlayer of PVB.
- The interlayer keeps the layers of glass bonded even when broken.

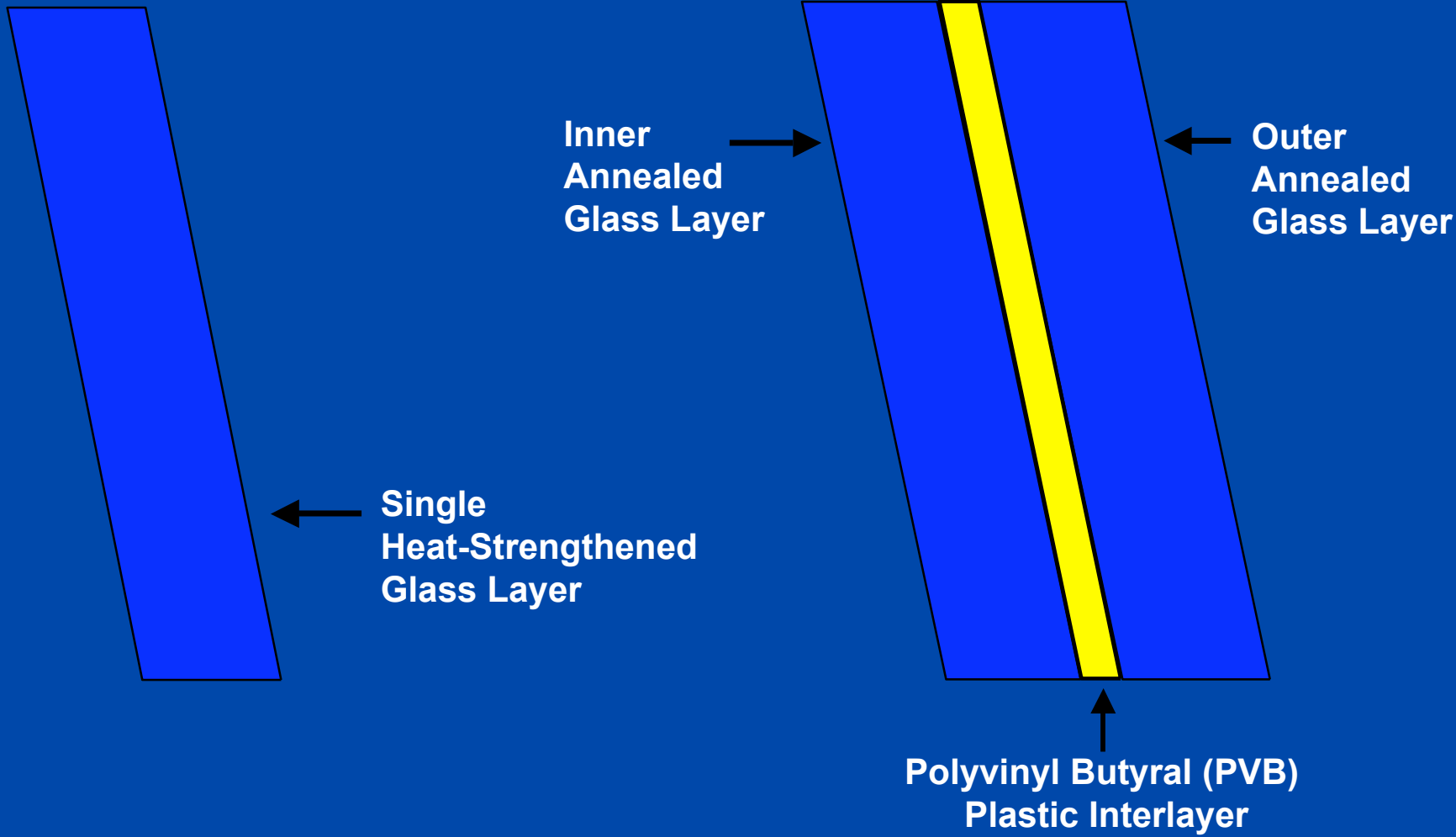
HPR LAMINATED GLASS



Laminated Glass



TEMPERED GLASS V. LAMINATED GLASS



TEMPERED GLASS

LAMINATED GLASS

**Would these windows minimize
the risk of ejection?**



Would these windows minimize the risk of ejection?



PASSENGER
CARGO
CONVERSION
CUTAWAY

SAFETY
REQUEST INFORMATION
DOWNLOAD BROCHURE

Savana Safety Features

Passenger

Cargo

Conversion



Enhanced Technology Safety Glass

close

All 12 and 15 passenger vans have three-layer enhanced technology glass to help protect passengers in the unlikely event of a collision. This specialty glass is located in the rear-most window positions next to the fourth and fifth row passengers. The glass is designed to help mitigate the risk of ejection for passengers seated in next to these windows.

- Five-Star Crash-Test Rating
- StabiliTrak
- Dual-Stage Frontal Air Bags
- Standard Head Curtain Side Airbags
- Tire Pressure Monitoring System

Enhanced Technology Safety Glass

The glass is designed to help mitigate the risk of ejection for passengers seated next to these windows

GMC Red Tag Event

s, and optional equipment extra.

d's age and size. Even in vehicles equipped with air bags and the Passenger Sensing System, use a rear-facing infant restraint in the front seat of any vehicle equipped with an active frontal air bag. For more safety information. Head curtain side air bags are designed to help reduce the risk of head of certain side-impact collisions. Always use safety belts and correct child restraints for your child's Passenger Sensing System, children are safer when properly secured in a rear seat in an appropriate seat in the front seat of any vehicle equipped with an active frontal air bag. See the vehicle's Owner's Manual.

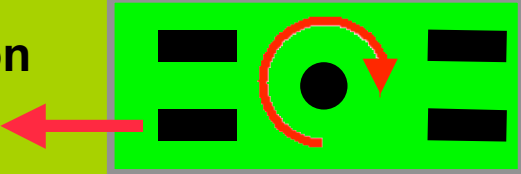
**LACK OF “ESC” -
ELECTRONIC
STABILITY CONTROL**

What is ESC?

System of sensors, actuators and computers to enhance vehicle directional stability – prevent loss of control due to oversteer (spin-out) or understeer (plow-out)

How Does ESC Work?

Under-steer Correction



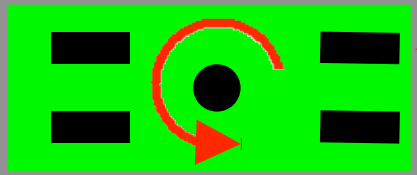
Under-steer Path

Desired Path

Obstacle

Over-steer Path

Over-steer Correction



CURRENT STATE OF ESC IMPLEMENTATION

- Available as standard equipment on many SUVs, luxury vehicles, and a limited number of small size sedans.
- Optional on a small number of other makes/models.
- In 2006, the estimated ESC penetration was about 29%.

ESC EFFECTIVENESS

- **NHTSA Evaluation of Effectiveness –**
NHTSA Estimates that ESC will reduce single vehicle crashes by 34% for passenger cars and by 59% for SUVs.
- **Insurance Institute for Highway Safety –**
“If all vehicles were equipped with ESC, as many as 10,000 fatal crashes could be avoided each year.” IHS News Release 6/13/06.
- **General Motors –**
“It looks like Electronic Stability Control is the most significant safety advancement since safety belts.” Robert Lange, Executive Director of GM Safety Center, 6/12/06.

**OTHER TYPES OF
SEVERE INJURY CASES
MUST BE SCREENED
FOR PRODUCT ISSUES**

RECREATIONAL PRODUCTS

RHINO ATVs



COMPLAINTS MADE ABOUT YAMAHA RHINO

- Design defects make it dangerously unstable.
- It is top heavy and prone to roll over during turns at low speed.
- The tires are too small.

WHAT INJURIES HAVE OCCURRED?

- Serious injuries have been sustained by both Rhino drivers and passengers in rollover accidents.
- Injuries have often included broken or crushed arms, legs, feet and ankles.
- Injuries have been so severe that amputation has been required.

WHAT IS YAHAMA'S SPECIAL OFFER?

- Rhinos manufactured by Yamaha from 2004-2007 were sold without full or half doors.
- Yamaha announced it would install half doors and a passenger handhold for Rhinos manufactured from 2004-2007 free of charge.
- In the 2008 Rhino, Yamaha has added the half doors and handhold as standard equipment.



OL' MAN TREESTANDS

NEWS from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, DC 20207

FOR IMMEDIATE RELEASE
July 17, 2007
Release #07-233

Firm's Recall Hotline: (888) 656-2606
CPSC Recall Hotline: (800) 638-2772
CPSC Media Contact: (301) 504-7908

Ol' Man Treestands Recalled by TSR Inc.; Locking Pins Can Unexpectedly Fall Out, Posing a Fall Hazard

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission, in cooperation with the firm named below, today announced a voluntary recall of the following consumer product. Consumers should stop using recalled products immediately unless otherwise instructed.

Name of Product: Treestands

Units: About 9,000 treestands, and about 500 replacement pin sets sold separately.

Importer/Distributor: TSR Inc., of Jay, Fla.

Hazard: The locking pins in the treestands can come out unexpectedly, exposing consumers to possible injury due to a fall.

Incidents/Injuries: TSR has received five reports of pins coming out of the treestand, including four injuries from falls.

Description: The recall involves locking pins, which secure the cables that connect the treestand to a tree. The pins were sold with the 2006 Ol' Man Treestands, including the MV-MO (Multi-Vision), GMV-MO (Grand Multi-Vision), OMDX-MO (Original XX), GOMDX-MO (Grand XX), AMVP-MO (Multi Vision Pro), AGMVP-MO (Grand Multi-Vision Pro), AOMP-MO (Ol' Man Pro), and AGOMP-MO (Grand Ol' Man Pro). The recalled treestands are stamped on the underside of the teeth plates with "TSR 06" and one of the following date codes: 6018, 6019, 6020, 6021, 6022, 6027, 6028, 6029, 6030, 6032, 6033, 6034, 6035, 6036, 6037, or 6041. The recall also includes the 2006 Ol' Man Replacement Pin Sets, model PL. No other models or parts are included in this recall.

Sold at: Various hunting supply stores from August 2006 through January 2007. The treestands sold for between \$100 and \$400, and the replacement pin sets sold for between \$10 and \$14.

Manufactured in: China

Remedy: Consumers should stop using the recalled treestands and pins immediately and contact TSR for free replacement pins.

Consumer Contact: For additional information, call TSR at 888-656-2606 between 9 a.m. and 5 p.m. CT Monday through Friday, visit the company's Web site at www.olmanoutdoors.com, or e-mail at bart@olmanoutdoors.com

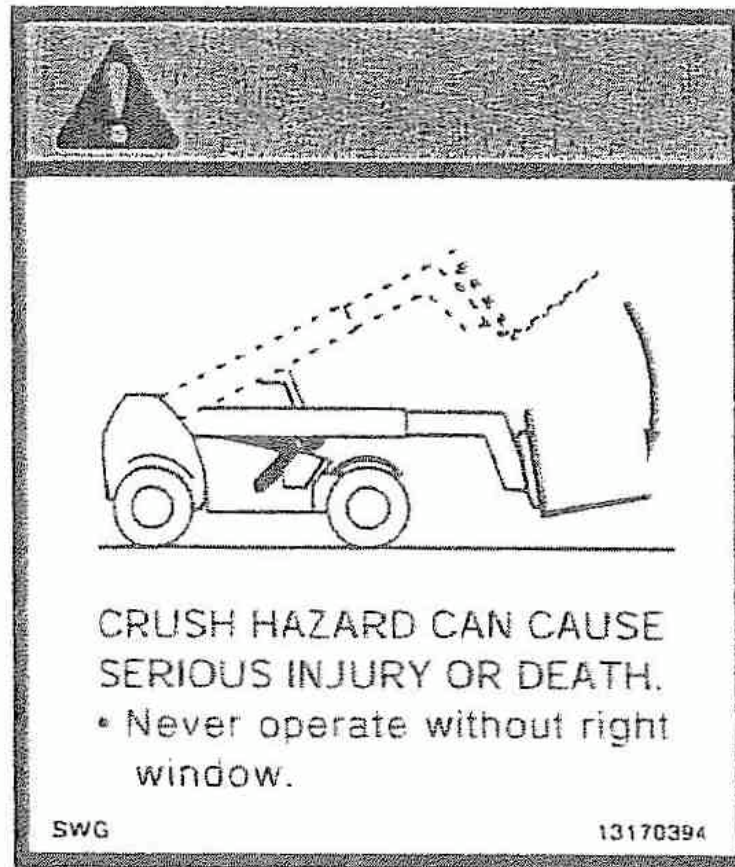


WORKPLACE INJURIES

INDUSTRIAL FORKLIFT



2. *WARNING: Crush Area*



HOUSEHOLD APPLIANCES

HOT WATER HEATERS



- ✓ Screen all serious injury cases for product liability claims.
- ✓ Don't miss the main Defendant.
- ✓ Fulfill duty to clients to identify all responsible parties.