

ADVANCED TORTS

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TEXT: *PRODUCTS LIABILITY CASES AND MATERIALS*
THIRD EDITION
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IN ADDITION TO THE REQUIRED TEXT, ADDITIONAL CASES AND STATUTES HAVE BEEN ASSIGNED. IT IS YOUR RESPONSIBILITY TO OBTAIN COPIES OF THESE MATERIALS AND BRING THEM TO CLASS WITH YOU.

YOUR GRADE WILL BE DETERMINED BASED ON THE FOLLOWING:

- 1/3 CLASS PARTICIPATION
- 2/3 TAKE HOME FINAL EXAMINATION

ASSIGNED READINGS

08/30/06 CHAPTER 2 – WARRANTY
Marvin Lumber and Cedar Co. v. PPG Industries, Inc.,
223 F.3d 873 (8th Cir. 2000)
Denny v. Ford Motor, 662 N.E.2d 730 (N.Y. 1995)
Davis v. Re-Trac Mfg. Corp., 149 N.W.2d 37 (Minn.
1967)
Minnesota's Consumer Protection Statutes:
§ 325F.68-70, § 325D.43-49, §325D.13, § 325F.67
Damages: Minn. Stat. §8.31
Church of the Nativity of Our Lord v. Watpro, Inc., 491
N.W.2d 1 (Minn. 1992)

State v. Alpine Air Products, Inc., 500 N.W.2d 788
(Minn. 1993)

Ly v. Nystrom, 615 N.W.2d 302 (Minn. 2000)
Group Health Plan, Inc. v. Philip Morris, 621 N.W.2d 2
(Minn. 2001)

09/06/06 CHAPTERS – EMERGENCE OF STRICT TORT
LIABILITY, PAGES 48-56
McCormack v. Hanksraft, 278 Minn. 322, 154 N.W.2d
488 (1967)
Bilotta v. Kelley Co., 346 N.W.2d 616 (Minn. 1984)

09/20/06 CHAPTER 4 PAGES 81- 85, 92-127, 129-211 –
MANUFACTURING AND DESIGN DEFECTS
Whiteford v. Yamaha Motor Corp., 582 N.W.2d 916
(Minn. 1998)
Marcon v. Kmart Corp., 573 N.W.2d 728 (Minn. App
1998), *rev. denied* (April 14, 1998)
Minnesota Pattern Jury Instructions CIVJIG 75.20 and
75.30

09/13/06 CHAPTER 4 PAGES 217- 258, 262 – 290, 301-307 – DEFECT
INCLUDING WARNING DEFECTS
Hauenstein v. Loctite Corp., 347 N.W.2d 272 (Minn.
1984)
Holm v. Sponco Mfg., Inc., 324 N.W.2d 207 (Minn.
1982)
Forester v. R.J.Reynolds Tobacco Co., 437 N.W.2d 655
(Minn. 1989)
Mulder v. Park Davis & Co., 181 N.W.2d 882 (1970)
In re Norplant Contraceptive Products Liab. Litigation,
165 F.3d 374 (5th Cir. 1999)
Hodder v. Goodyear Tire & Rubber Co., 426 N.W.2d
826 (Minn. 1988)
Minnesota Pattern Jury Instruction CIVJIG 75.25

09/27/06 CHAPTER 5 PAGES 314-331 – CAUSATION IN
FACT
McCormick v. Custom Pools, 376 N.W.2d 471 (Minn.

App. 1985), *review denied* (Dec. 30, 1985)
Jonathan v. Kvaal, 403 N.W.2d 256 (Minn. App. 1987),
review denied (May 20, 1987)
Minnesota Pattern Jury Instructions CIVJIG 75.50 and
75.95

10/04/0 CHAPTER 6 – PROOF OF DEFECT AND CAUSATION –
EXPERTS PAGES 378- 385, 403 – 440
General Electric v. Joiner, 522 U.S. 136 (1997)
Goeb v. Tharldson, 615 N.W.2d 800 (Minn. 2000)
Federal Rules of Evidence 317 and 702

10/11/06 CHAPTER 6, PAGES 345-377 – PROOF OF DEFECT AND
CAUSATION –
Federal Rule of Evidence 407
and CHAPTER 7 – PROXIMATE CAUSE
Borel v. Fibreboard Paper Products Corp., 493 F.2d
1076 (5th Cir. 1973)

10/25/06 CHAPTER 8, PAGES 464 – 472, 489 – 508 – THE EFFECT OF
STATUTES AND REGULATIONS
Medtronic, Inc. v. Lohr, 518 U.S. 470 (1996)
Geier v. American Honda Motor Company, 529 U.S. 861
(2000)
Sprietsma v. Mercury Marine, 537 U.S. 51 (2002)

11/01/06 CHAPTER 9, PAGES 509 –535 – DAMAGES
Minn. Stat. § 573.02
Minn. Stat. § 549.20
Minn. Stat. § 604.10
Minn. Stat. § 604.101
Gryc v. Dayton-Hudson Corp., 297 N.W.2d 727, *cert.*
denied, 449 U.S. 921 (1980)
Williams v. Philip Morris, 48 P.3d 824, *rev denied*, 61
P.3d 938 (Or. 2002)
State Farm Mut. Auto Ins. Co. v. Campbell, 123 S. Ct. 1513 (2003)
Hapka v. Paquin Farms, 458 N.W.2d 683 (Minn. 1990)
Lloyd F. Smith Co. v. Den-Tal-Ez, Inc., 491 N.W.2d 11

(Minn. 1992)

- 11/08/06 CHAPTER 10 – APPORTIONMENT OF LIABILITY AMONG
MULTIPLE PARTIES
Minn Stat. §604.01
Minn Stat. §604.02
Minn Stat. §604.03
Minn Stat. §604.04
- 11/15/06 DEFENSES CHAPTER 11 – STATUTES OF LIMITATIONS AND
REPOSE
Minn Stat. § 541.05
Minn Stat. § 541.051
Minn. Stat. § 573.02
- 11/22/06 CHAPTER 12, PAGES 654 – 675, 696 – 703 – PARTIES AND
TRANSACTIONS GOVERNED BY STRICT LIABILITY
Minn Stat. § 544.41
Marcon v. Kmart Corp., 573 N.W.2d 728 (Minn. Ct.
App. 1998) *rev. denied* (Minn. 1998)
- 11/29/06 CHAPTER 13, PAGES 735 –746, 748-811 – COMPLEX
LITIGATION
- 12/06/06 SPECIAL ISSUES IN TOXIC SUBSTANCE LITIGATION
Castano v. American Tobacco, 84 F.3d 734 (5th Cir.
1996)
Texas v. American Tobacco Co., 14 F. Supp.2d 956
(E.D. Tex. 1997)
Cimino v. Raymark Industries, Inc., 151 F.3d 297 (5th
Cir. 1998)
*In re: St. Jude Medical Inc, Silzone Heart Valves Products
Liability Litigation, MDL No. 01-1396*, 25 F.3d 1116 (8th Cir. 2005)