

Zimmerman Law Office

PRODUCTS

Not every injury or hardship is compensable. When one suffers harm, as a result of a defect in a product, the law allows for compensation to make that person whole again. This is called tort responsibility. Claims for compensation arise out of contract also. If the harm was caused recklessly or intentionally, the law provides both compensation damages and punitive damages to prevent that harm to others and to punish the wrongdoer. The most common area of litigation for tort damages is from automobile accidents. product liability is a type of tort claim that provides compensation to people who have been injured by a dangerous or defective product. If a product injures you, you may be able to hold any contributor in the manufacturing chain liable for your injuries. This means that all persons who made the product or distributed the product could be held accountable.

Not always is suit required for compensation. Many manufacturers seek to compensate its victims promptly. When the wrongdoer refuses to compensate sufficiently or refuses to stop the harm, litigation may be required. It may multiple and protracted litigation.

There are different types of product liability claims. When it comes to determining the specific type of product liability involved, there are three basic options:

Negligence: One has to prove that there was a defect either in the design, marketing or manufacture of the product. This can be a tedious effort.

Strict Liability: If the product is inherently dangerous, the mere fact that the product is defective holds the other party liable for your injuries.

Breach of Warranty: Either written or expressed verbally, in advertising or in person, a warranty tells you that the product should be safe for its intended use. If the product is defective, the warranty is breached and another party can be held liable for your injuries.

It would be unusual for an individual to represent themselves and successfully recover damages in a products liability case. The norm is for manufacturers to defend to the highest degree and deny any liability. It is often the standard response of insurance companies to just deny claims in

this area of law. More often than not, the defenders will require proof that may mean expert witnesses vigorous review of the reports, testing, evaluations, e-mail, manufacturing records and other documents that only a court can order produced.

If you or a loved one has been injured because of a defective product or poorly labeled product, call (910) 845-2534 for a free consultation or e-mail the details using the link on the front page. If you prefer to e-mail: tom@tomzimmermanlaw.com