

# Products Liability

Many of our valued clients are involved in the design, manufacture, and distribution of products for use in the consumer, commercial, and industrial settings. When allegations are made that those products don't perform – sometimes with serious consequences – they call on us.

Our attorneys vigorously defend lawsuits involving auto products, consumer products, asbestos, mass torts, and insurance coverage claims, based on legal theories that include:

Breach of warranty

Defective design

Defective performance

Defective or misleading packaging

Misuse of marks on products

Deficient instructions or warnings

The law of products liability in Michigan is regulated in many respects by statute, making experienced counsel a necessity. We pride ourselves on our knowledge as well as our familiarity with state and federal courts and courtroom procedures. We have also litigated products liability cases of behalf of plaintiffs in some matters.

Zausmer is designated products liability counsel in Michigan for one of the world's premier superstore and big box retailers. Sometimes our representation includes seeking and obtaining indemnity from manufacturers, and in other instances it becomes necessary to fully defend the retailers on such actions. One such representation involved a complex, catastrophic product liability matter involving an alleged defective portable consumer gasoline container. In that matter we developed a cost-effective early global strategy, effectively coordinated our efforts with a web of law firms across the country, and ultimately defended the client to protect it from significant alleged liability exposure for a product it had no responsibility in designing or manufacturing. We also regularly work with this same client in conducting risk assessment and risk avoidance counseling and by sharing our wealth of knowledge of the relevant federal agencies, such as the Consumer Product Safety Commission to ensure and evaluate potential compliance issues.

We also represent a global manufacturer of consumer electronic appliances and products. These machines and products are sometimes alleged as the cause of personal injuries or property damage arising from electrocution and fires. Our team of lawyers promptly responds to such allegations, and we have been successful on multiple occasions challenging the alleged defective condition of the product, the proximate cause of the damages alleged, and the type and amount of damages sought.

Despite vigilance and strict protocols, even the safety-conscious companies have to be prepared to respond to serious products liability lawsuits. We work closely with clients to craft appropriate litigation strategies intended to limit their exposure, control costs, and seek the best possible outcomes.



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