



## Product Liability Losses

Our experienced subrogation lawyers routinely handle products liability cases arising from fires, explosions, water losses and appliance, equipment and machinery failures. The types of product failures that our lawyers are familiar with include, but are not limited to:

- Dishwasher defects that cause fires or flooding
- Alarm/security system failures that allow for the theft of an insured's property or the spread of a fire
- Furnace and boiler part defects that result in fires
- Shredders, loaders and other large equipment failures that cause fires
- Defects in plumbing system components that lead to water losses
- Washer and dryer failures that cause fires or flooding
- Defective product warnings that cause fires, explosions or water damage
- Crane engine and part failures that cause fires or lead to a crane collapse
- Electrical panel failures that cause fires
- Defective solvents and other cleaning products that cause spontaneous combustion fires
- Defects in lithium batteries that lead to fires
- Defects in utility company equipment that lead to fires or explosions
- Solar panel defects that result in fires

When insurers or self-insured clients refer a products liability case to us, our lawyers work with the client to coordinate a prompt investigation that identifies target defendants and preserves evidence. To identify target defendants, our lawyers consider all potential theories of liability, such as liability based on design or manufacturing defects, the malfunction theory, *res ipsa loquitur*, successor liability, breach of implied or express warranties and the defendant's failure to warn of foreseeable risks. In addition, our lawyers analyze potential recovery bars, such as limitation of liability clauses, warranty exclusions, statutes of limitations, the economic loss doctrine and waiver of subrogation clauses. They also analyze the relevant jurisdiction's common law and/or Products Liability Acts to determine the proper standard for imposing liability on target defendants and identify parties in the supply chain who can be held liable for a manufacturer's defective product. In addition, our lawyers analyze

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### Related Practices

Construction Defects  
Cyber Subrogation  
Fidelity  
Food Recall Subrogation  
Inland Marine  
Large Loss Property Subrogation  
Maritime Losses  
Self-Insured Retention  
Transit/Cargo  
Water Loss  
Workers' Compensation Subrogation

potential defenses based on a lack of personal jurisdiction over the target defendants to make informed recommendations as to the best forum in which to pursue the defendants.

Once our investigation identifies subrogation targets and, after analyzing any barriers to recovery, our lawyers aggressively pursue identified targets. Where appropriate, our lawyers engage in alternative dispute resolution (ADR) procedures and, if the ADR process does not resolve the case, our lawyers aggressively pursue litigation. In pursuit of products liability subrogation targets, our lawyers have experience litigating cases around the country.

### **Representative Matters**

- At pre-suit mediation, favorably resolved a \$2 million sprinkler malfunction loss in New Jersey occurring in a newly constructed university library
- Litigated a \$1.9 million subrogation claim arising from a residential fire involving a gas leak in Delaware
- Negotiated settlement in excess of \$1 million dollars in a complex products liability case filed in Pennsylvania Federal Court against an agricultural manufacturer for injuries involving an arm amputation while operating 40-year old farm equipment
- Successfully litigated and resolved a \$1 million water damage loss in Massachusetts involving a recently installed HVAC equipment in a bio-medical facility
- Negotiated a settlement of \$750,000 dollars in a products liability case filed in Pennsylvania against supplier of laundry press for injuries involving significant third-degree burns sustained when press closed down on top of operator
- Successfully opposed product manufacturer's motion for summary judgment in Florida federal court, which then resolved in six-figure settlement at mediation
- Represented multiple insurance carriers in complex product liability actions involving various product defects, which have resulted in a number of favorable binding arbitration awards
- Handled numerous multi-million dollar losses involving product failures, including dehumidifiers and HVAC equipment
- Litigating a product liability claim in Maryland against a major manufacturer of household appliances
- Litigated a subrogation claim in West Virginia against a large heavy equipment manufacturer involving the failure of an earth moving machine

### **Stay Current**

The Subrogation Strategist

### **Resources**

- After-hours Contacts
- State by State Research Charts on Subrogation Related Topics