

Product Liability: Warranties and Strict Liability

1.
 - a. What is a warranty? Identify and describe the types of warranties.
Read and be prepared to orally brief and discuss *Felley v. Singleton*. [online]
 - b. How does the court distinguish between words of express warranty and “puffery” of sales talk?
 - c. Is a seller liable for defects which are known at the time of sale?
 - d. Did the defendants act in an ethical manner?
 - e. Answer the question posed at the end of the case:
(1) Critical Thinking Question: Is it good policy to make non-commercial sellers of used cars liable for express warranties? Explain.
2.
 - a. What are the types of implied warranties?
Read and be prepared to orally brief and discuss *In Re L.B. Trucking, Inc.*
 - b. Explain why Southern States was found liable for breaching its express warranties.
 - c. Why did the court hold the defendants liable for breaching the implied warranties of merchantability and fitness for a particular purpose?
 - d. Answer the questions posed at the end of the case:
(1) Ethical Question: Did any of the parties act unethically? Explain.
(2) Critical Thinking Question: Did the court decide this case correctly? Explain.
3.
 - a. List and explain the various defenses that may be successfully raised to a warranty action.
Read and be prepared to orally brief and discuss *Womco, Inc. v. Navistar International Corporation*.
 - b. How can the implied warranties be disclaimed other than by specific contract disclaimer language?
 - c. On what basis did the Court determine whether or not Navistar had disclaimed the warranty?
 - d. Answer the questions posed at the end of the case:
(1) Ethical Question: Did any of the parties act unethically? Explain.
(2) Critical Thinking Question: Do you agree with the court’s decision? Explain.
4.
 - a. Describe the elements of an action based upon strict liability in tort. Does the seller have a duty to warn consumers of any significant dangers?
Read and be prepared to orally brief and discuss *Greene v. Boddie-Noell Enterprises, Inc.*
 - b. Was the coffee defective in any way?
 - c. Was it what the consumer was expecting?
 - d. What blame, if any, should be placed on the manufacturer of the cup and lid?
 - e. Did either of the parties act unethically?
 - f. Answer the question posed at the end of the case:
(1) Critical Thinking Question: Do you agree with the court’s decision? Explain.
5. List and explain the obstacles to an action based on strict liability in tort.
6. Answer end of the Chapter Questions 1–4 and Question 8..