



# **Preparing the Product Liability Case**

**Personal Injury Potpourri**

**Philadelphia, PA**

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- ◆ **Initial Intake Data Sheet**
- ◆ **Preserving the Evidence**



# ◆ Preserving the Evidence

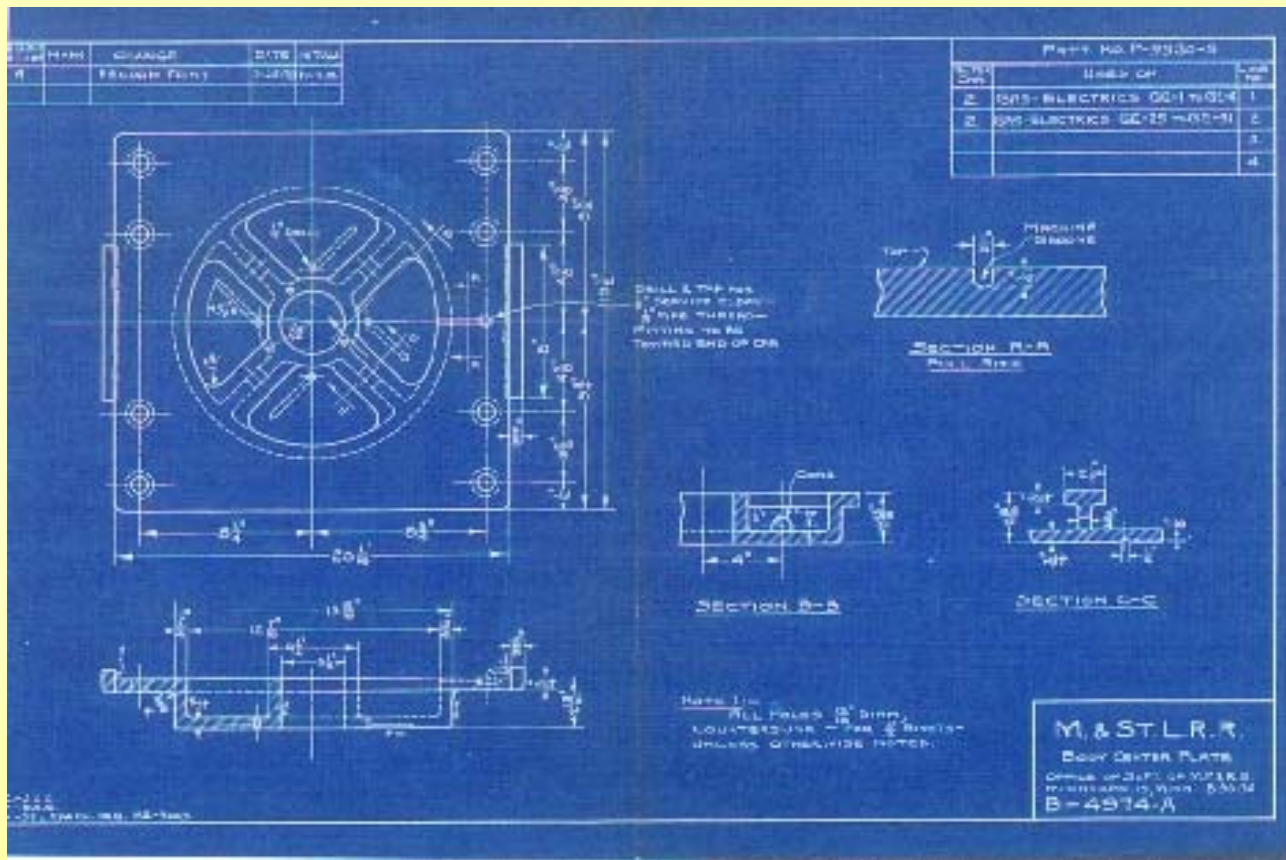
- ✓ Cover/ Store evidence in a dry place



- ✓ Protect from deterioration
- ✓ Ease of mobility
- ✓ Capture dropping parts or pieces

# ◆ Preserving the Scene

- \* Photographs
- \* Blueprint Roadway Drawings



✓ **Changes to scene**



✓ **Markings on surfaces**



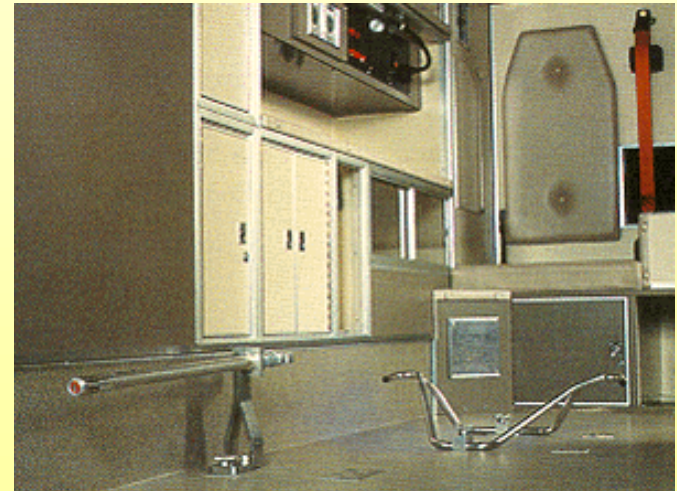
## ◆ Gathering Facts

- ✓ Reports
- ✓ Media Reports
- ✓ Alterations to the Product
- ✓ Insurance Records



## ◆ Product Research

- ✓ Manufacturer's Website
- ✓ Recalls
- ✓ Technical Service Bulletins
- ✓ Government Agencies
- ✓ Consumer Organizations
- ✓ Applicable Standards and Regulations
- ✓ Testing Results
- ✓ European Standards



## ◆ Consulting Experts



1. Send investigation materials to consulting expert before inspection of product
2. Obtain verbal advice about defect
3. What additional information is needed for evaluation?
4. Testify or consult only?



- ◆ **Establishing Relationship with Fact Witnesses**
- ✓ **Meet as many as possible BEFORE the Complaint is filed**
- ✓ **Meet at the scene (applicable to fact and expert witnesses)**
- ✓ **Get their notes**



- ◆ Establish that you have ALL scene reports, photos and witness statements

**SIGNIFICANT DETAILS ARE IMPORTANT  
TO  
INITIAL CASE PREPARATION**

- ◆ Who was first on the scene?
- ◆ Review facts-Does all make sense?
  - ✓ Focus on case theory
  - ✓ Too much detail not good

## ◆ Legal Research-Start Early

## ◆ Related Cases

- ✓ Other Similar Incidents
- ✓ Network with other lawyers and experts
- ✓ Protective Order, Confidentiality Agreement

**Are they able to share?**

## ◆ Identify Case Theories

- ✓ Do you have the right mix of experts and consultants to prove your case theories?
- ✓ Jurisdictional issues-best possible for your case?





- ◆ **Do you have enough funding to properly prepare this case?**

# Preparing the Product Liability Case



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