

Hello again!

In a recent decision in *Wilson v. Sundstrand Corp.*, an Illinois federal court judge dismissed strict liability claims against Sundstrand (a United Technologies company) arising out of a 1997 airplane crash in Indonesia in which 244 people died. Sundstrand allegedly manufactured a defective "ground proximity warning system" (GPWS) which failed to function during the crash sequence. Because the GPWS was sold more than 12 years before the crash, the strict liability claims were barred by Illinois' statute of repose.

Most states have statutes of repose which apply to product liability claims. A statute of repose is a type of statute of limitation where time is measured not from the accident date but from the date the product seller parts with possession or control of the product. Thus, even if Sundstrand was sued the day after the crash, the strict liability claims against it were barred because more than 12 years had passed since the date of sale.

One way for plaintiffs to avoid the statute of repose bar is to prove that the product was sold with a lifetime warranty or a warranty exceeding the period of repose. The Sundstrand plaintiffs made such a claim but their evidence was insufficient to sustain it.

Hope this is helpful. As always, let me know if you have questions or comments.

Best regards.

Remy

For more information on U.S. product liability law please contact Remy Zimmermann, Shaun Sullivan or Alan Schwartz at 203.498.4400. Please visit

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The Wiggin & Dana U.S. Product Liability Law E-Advisory is a periodic newsletter designed to inform clients and others about recent developments in the field of product liability law. Nothing in the E-Advisory constitutes legal advice, which can only be obtained as a result of personal consultation with an attorney. The information published here is believed to be accurate at the time of publication, but is subject to change and does not purport to be a complete statement of all relevant issues. If you have any requests for topics or other suggestions, please contact Remy Zimmermann 203.498.4316, zimmermann@wiggin.com.