CONTENTS

VOLUME 1

Acknowledgments xix
Introduction xxiii

PART I
THEORIES OF LIABILITY

Chapter 1
REPRESENTATIONAL BACKGROUNDS 1–3
§1.01 Product Portrayals 1–3
§1.02 Linkage of Representational and Nonrepresentational Theories 1–7

Chapter 2
THE CULPABILITY SPECTRUM ON REPRESENTATIONS 2–1
§2.01 Overview 2–1
§2.02 Fraud or Deceit 2–1
§2.03 Negligent Misrepresentation 2–20
§2.04 Representational Liability Without “Fault” 2–24
§2.05 Mistake 2–26

Chapter 3
EXPRESS WARRANTY 3–1
§3.01 General Concepts of Express Warranty 3–1
§3.02 U.C.C. Definitions 3–7
§3.03 Liability Without Privity 3–8
§3.04 Advertising Techniques and Contexts 3–10
§3.05 Puffs 3–13
§3.06 Specialized Meanings 3–22
§3.07 Suits Against Professionals 3–24
§3.08 Evidence of Breach 3–25
§3.09 Reliance 3–26
§3.10 Related Theories 3–31

Chapter 4
TORT THEORY OF NON-FAULT MISREPRESENTATION 4–1
§4.01 Definitions of Theory 4–1
§4.02 Requirements of Specificity 4–7
§4.03 Liberal Construction 4–8
§4.04 Non-Fault Aspect 4–9
CONTENTS

§4.05 Analogies and Distinctions 4–10
§4.06 “Proximate Cause” 4–13
§4.07 Relation to Section 402A 4–14

Chapter 5
NEGLIGENCE AND INTENTIONAL TORTS 5–1
§5.01 Definition 5–1
§5.02 General Standard 5–2
§5.03 Privity Eliminated 5–9
§5.04 Classic Formulas 5–10
§5.05 Specificity of Application 5–20
§5.06 Foreseeability 5–20
§5.07 Judge and Jury 5–25
§5.08 Factors in Judgment 5–27
§5.09 Assessment and Doctrinal Comparisons 5–38
§5.10 Intentional Infliction of Emotional Distress 5–38
§5.11 Battery 5–40
§5.12 Other Types of Culpability 5–40
§5.13 Intentionality in the Insurance Context 5–42

Chapter 6
IMPLIED WARRANTY 6–1
§6.01 Historical Review 6–1
§6.02 Merchantability 6–4
§6.03 Fitness 6–18
§6.04 Doctrinal Comparisons and Overlaps 6–28

Chapter 7
STRICT LIABILITY 7–1
§7.01 Historical Development 7–1
§7.02 Section 402A: Seller's Special Liability 7–6
§7.03 The Product Issue 7–11
§7.04 Doctrinal Comparisons 7–31
§7.05 Rationales for Strict Liability 7–39
§7.06 Assessment and Forecast 7–48

PART II
THE DEFECT

Chapter 8
GENERAL DEFINITIONS OF DEFECT 8–1
§8.01 Significance of Defect 8–4
§8.02 Design and Manufacturing Defects 8–6
§8.03 Policy Considerations 8–10

vi
Marshall S. Shapo - 9781786433718
Downloaded from Elgar Online at 12/03/2018 11:44:07AM
via free access
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>§8.04</td>
<td>Specific Manifestations of the Concept</td>
<td>8–11</td>
</tr>
<tr>
<td>§8.05</td>
<td>The “Unreasonably Dangerous” Requirement</td>
<td>8–14</td>
</tr>
<tr>
<td>§8.06</td>
<td>Consumer Expectations</td>
<td>8–44</td>
</tr>
<tr>
<td>§8.07</td>
<td>“Risk-Utility” Standard</td>
<td>8–118</td>
</tr>
<tr>
<td>§8.08</td>
<td>Overlap of Consumer Expectations and Risk-Benefit Standards</td>
<td>8–129</td>
</tr>
<tr>
<td>§8.09</td>
<td>Variations of Verbal Standard</td>
<td>8–140</td>
</tr>
<tr>
<td>§8.10</td>
<td>Salient Issues in Defect Jurisprudence</td>
<td>8–155</td>
</tr>
<tr>
<td>§8.11</td>
<td>Overlapping Concepts: Defect and Defenses</td>
<td>8–171</td>
</tr>
<tr>
<td>§8.12</td>
<td>Nondefective Products</td>
<td>8–178</td>
</tr>
<tr>
<td>§8.13</td>
<td>Conclusion</td>
<td>8–179</td>
</tr>
</tbody>
</table>

Chapter 9
DESIGN DEFECTS
§9.01   | The Design Problem                               | 9–1  |
§9.02   | Conceptual Approaches                            | 9–2  |
§9.03   | Complex Economic Relationships and Information   | 9–10 |
§9.04   | Pleading                                         | 9–20 |
§9.05   | Overlap with the Causation Issue                 | 9–21 |
§9.06   | Elements of Verbal Formulas                      | 9–23 |
§9.07   | Strictness of Strict Liability                   | 9–24 |
§9.08   | Liability for Function as Designed               | 9–25 |
§9.09   | Manufacturer's Basic Responsibility: Safety Devices | 9–26 |
§9.10   | The Polycentricity Argument                      | 9–34 |
§9.11   | Product Continuums                               | 9–35 |
§9.12   | Effects of Product Complexity                    | 9–41 |
§9.13   | Conditions of Use                                | 9–44 |
§9.14   | Crashworthiness                                  | 9–49 |
§9.15   | Enhanced Injury Generally                        | 9–51 |
§9.16   | Objective Expectations                           | 9–88 |
§9.17   | Obviousness of Risk                              | 9–111|
§9.18   | Judge and Jury                                   | 9–111|
§9.19   | Availability of Technology                       | 9–113|
§9.20   | Overlapping Concepts: Duty to Warn and Defect    | 9–127|

Chapter 10
STATE OF THE ART
§10.01  | Definitions and Rationales                      | 10–1 |
§10.02  | Admissibility of Evidence                        | 10–6 |
§10.03  | Evidence Excluded                                | 10–11|
§10.04  | Cost-Benefit Test                                | 10–12|
§10.05  | Later Alternative Design                         | 10–13|
§10.06  | Strict Liability                                 | 10–13|
Chapter 11
SOURCES OF STANDARDS FOR PRODUCT DESIGN AND PERFORMANCE
§11.01 Role of Standards 11–2
§11.02 Industry Standards 11–2
§11.03 Statutes as Standard Setters 11–11

VOLUME II

PART III
ECONOMIC RELATIONSHIPS IN PRODUCTS LIABILITY

Chapter 12
ROLES OF SELLERS AND PROVIDERS 12–3
§12.01 Overview 12–5
§12.02 Inventors 12–6
§12.03 Manufacturers 12–6
§12.04 Retailers 12–87
§12.05 Wholesalers 12–113
§12.06 Varieties of Distributors 12–116
§12.07 Product Demonstration and Testing 12–127
§12.08 Manufacturer's Control 12–129
§12.09 Manufacturers as Consumers 12–130
§12.10 Leasing and Other Supply Arrangements 12–130
§12.11 Designers 12–148
§12.12 Following Specifications of Others 12–156
§12.13 Installation 12–190
§12.14 Repairers 12–195
§12.15 Processing 12–203
§12.16 “Services” 12–203
§12.17 Brokers and Other Middlemen 12–231
§12.18 Providing Ideas or Information 12–237
§12.19 Testers and Certifiers 12–243
§12.20 Real Estate 12–245
§12.21 Government as Defendant 12–257
§12.22 Federal Common Law 12–258
§12.23 Joint Liability: Traditional Applications 12–258
§12.24 Industrywide Liability and Related Issues 12–260
§12.25 Class Actions: Commonality 12–307
§12.26 Sellers and Providers: Conclusion 12–308
CONTENTS

Chapter 13
SUCCESSOR CORPORATIONS 13–1
§13.01 General Rule and Principal Exceptions 13–1
§13.02 Assumption of Liabilities 13–3
§13.03 De Facto Mergers 13–6
§13.04 Stripping Subsidiaries: “Dual Capacity” 13–8
§13.05 Continuation Exception 13–9
§13.06 Successor’s Duty to Warn 13–22
§13.07 “Product-Line” Exception 13–28
§13.08 Focal Elements of Recovery Illustrated 13–49
§13.09 Policy Arguments 13–50
§13.10 Further Theoretical Development 13–53
§13.11 Particularized Issues in Liability Extensions 13–54
§13.12 Loss-Avoidance Strategies 13–56

Chapter 14
ADJUSTING LIABILITIES AMONG DISTRIBUTORS: CONTRIBUTION, INDEMNITY, AND COMPARATIVE APPORTIONMENT 14–1
§14.01 Contribution 14–2
§14.02 Effects of Theories on Apportionment Remedies 14–7
§14.03 Settlements 14–12
§14.04 Indemnity 14–16
§14.05 Written Agreements 14–42
§14.06 Implied Indemnity 14–49
§14.07 Legal and Practical Consequences of Indemnity 14–54
§14.08 Comparative Apportionment 14–60

Chapter 15
THE ROLE OF WORKERS’ COMPENSATION 15–1
§15.01 Tort vs. Workers’ Compensation 15–1
§15.02 Employee Suits 15–1
§15.03 Manufacturers and Employers 15–3
§15.04 Insurer Reimbursement 15–8
§15.05 Third-Party Recoveries Permitted 15–9
§15.06 Reform Proposals 15–12

Chapter 16
THE CONSUMER CHAIN 16–1
§16.01 Purchasers, Users, and Consumers 16–1
§16.02 Bystanders 16–19
CONTENTS

PART IV
RISK ALLOCATION THROUGH BARGAINING AND PROVISION OF INFORMATION

Chapter 17
DISCLAIMERS 17–3
§17.01 Contract Perspective 17–4
§17.02 U.C.C. Section 2–316 17–5
§17.03 U.C.C. Section 2–719: Limitation of Remedies 17–7
§17.04 Drafting Advice 17–19
§17.05 Consumer Obligations 17–21
§17.06 Construction Issues and Policy Questions 17–21
§17.07 Legislative Prohibitions of Disclaimers 17–23
§17.08 Express Warranty 17–24
§17.09 Disclaiming Negligence 17–24
§17.10 Strict Liability 17–28
§17.11 Third Parties 17–34
§17.12 Conspicuousness 17–35
§17.13 General Advice for Drafters 17–39

Chapter 18
USED PRODUCTS 18–1
§18.01 Introduction 18–1
§18.02 Commercial Law 18–2
§18.03 Negligence and “As Is” Clauses 18–4
§18.04 Third Parties as Plaintiffs 18–5
§18.05 Strict Liability 18–7

Chapter 19
DUTY TO WARN 19–1
§19.01 Introduction and Definitions 19–3
§19.02 Standard of Care 19–17
§19.03 Ordinary Products 19–25
§19.04 Warning Alternatives 19–27
§19.05 Layered Risks 19–28
§19.06 Technology Oriented Products 19–28
§19.07 Distinctions Among Distributors 19–62
§19.08 Information Costs 19–121
§19.09 Role of Doctrine 19–132
§19.10 Consumer Information 19–157
§19.11 Conceptual Overlaps 19–170
§19.12 Adequacy of Warnings 19–238
§19.13 Materiality and Causation 19–277
CHAPTER 20
CONTRIBUTORY NEGLIGENCE AND ASSUMPTION OF RISK

§20.01 Contributory Negligence: 20–2
§20.02 Comparison of Contributory Negligence and Assumption of Risk: 20–41
§20.03 Assumption of Risk: 20–43
§20.04 Functional Environment: Industrial Machines: 20–84
§20.05 Obviousness: 20–88
§20.06 Conceptual Linkages: 20–93

CHAPTER 21
MISUSE

§21.01 Doctrine and Terminology: 21–4
§21.02 Conceptual and Functional Boundaries: 21–4
§21.03 Intended Use: 21–27
§21.04 Instructions and Warnings: 21–33
§21.05 Functional Classifications: 21–36
§21.06 Counseling Notes: 21–43
§21.07 Boundaries of Permissible Use: 21–44
§21.08 Conceptual and Doctrinal Relationships: 21–45
§21.09 Overuse: 21–65
§21.10 Third-Party Misuse and Jury Instructions: 21–65
§21.11 Chain of Distribution: 21–66
§21.13 Implications for Intimate Inquiries: 21–68

CHAPTER 22
COMPARATIVE DOCTRINES: FAULT, CAUSATION, AND LIABILITY

§22.01 Defining the Problem: 22–2
§22.02 Negligence: 22–3
§22.03 Strict Liability: 22–3
§22.04 Comparative Principles and Warranty: 22–13
§22.05 Comparative Principles Favoring Defendant: 22–15
§22.06 Policy Arguments Concerning Comparison in Strict Liability: 22–17
§22.07 Principles of Apportionment: 22–19
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>§22.08</td>
<td>Causation as Comparative Benchmark</td>
<td>22–20</td>
</tr>
<tr>
<td>§22.09</td>
<td>Other Parties</td>
<td>22–26</td>
</tr>
<tr>
<td>§22.10</td>
<td>Judicial Rejections of Comparative Principles</td>
<td>22–31</td>
</tr>
<tr>
<td>§22.11</td>
<td>Exhortation Against Alternative Pleading</td>
<td>22–32</td>
</tr>
<tr>
<td>§22.12</td>
<td>Plaintiff Employed Comparative Fault</td>
<td>22–33</td>
</tr>
<tr>
<td>§22.13</td>
<td>Specialized Applications of Comparative Principles</td>
<td>22–33</td>
</tr>
<tr>
<td>§22.14</td>
<td>Misrepresentations and Economic Loss</td>
<td>22–36</td>
</tr>
<tr>
<td>§22.15</td>
<td>Nature of Plaintiff’s Conduct</td>
<td>22–36</td>
</tr>
<tr>
<td>§22.16</td>
<td>Functional Applications</td>
<td>22–42</td>
</tr>
<tr>
<td>§22.17</td>
<td>Theory and Practice</td>
<td>22–47</td>
</tr>
</tbody>
</table>

PART VI

PROBLEMS OF PROOF AND CAUSATION

Chapter 23

GENERAL LEGAL PRINCIPLES OF PROOF AND CAUSATION

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>§23.01</td>
<td>Semantics and Doctrine</td>
<td>23–4</td>
</tr>
<tr>
<td>§23.02</td>
<td>Theories of Liability</td>
<td>23–5</td>
</tr>
<tr>
<td>§23.03</td>
<td>Basic Elements of Proof</td>
<td>23–5</td>
</tr>
<tr>
<td>§23.04</td>
<td>Sufficiency of Evidence</td>
<td>23–89</td>
</tr>
<tr>
<td>§23.05</td>
<td>The Role of Presumptions</td>
<td>23–202</td>
</tr>
<tr>
<td>§23.06</td>
<td>Previous and Subsequent Occurrences</td>
<td>23–202</td>
</tr>
<tr>
<td>§23.07</td>
<td>Experts</td>
<td>23–229</td>
</tr>
<tr>
<td>§23.08</td>
<td>Proper Inferences</td>
<td>23–294</td>
</tr>
<tr>
<td>§23.09</td>
<td>Defect, Causation, and Materiality</td>
<td>23–300</td>
</tr>
<tr>
<td>§23.10</td>
<td>Warranty Claims</td>
<td>23–305</td>
</tr>
<tr>
<td>§23.11</td>
<td>Consumer Information: “Lemon” Vehicles</td>
<td>23–305</td>
</tr>
<tr>
<td>§23.12</td>
<td>Circumstantial Evidence</td>
<td>23–306</td>
</tr>
<tr>
<td>§23.13</td>
<td>Demonstrative Evidence; Tests After Accident</td>
<td>23–383</td>
</tr>
<tr>
<td>§23.14</td>
<td>Agency Reports</td>
<td>23–385</td>
</tr>
<tr>
<td>§23.15</td>
<td>Proof Burdens</td>
<td>23–388</td>
</tr>
</tbody>
</table>

Chapter 24

RES IPSA LOQUITUR AND RELATED DOCTRINES OF INERENCE

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>§24.01</td>
<td>Doctrine and Function</td>
<td>24–1</td>
</tr>
<tr>
<td>§24.02</td>
<td>Definitions of Res Ihsa Loquutur</td>
<td>24–2</td>
</tr>
<tr>
<td>§24.03</td>
<td>Control</td>
<td>24–3</td>
</tr>
<tr>
<td>§24.04</td>
<td>Procedural Conceptualization of Res Ihsa</td>
<td>24–7</td>
</tr>
<tr>
<td>§24.05</td>
<td>Occurrence of Accident Insufficient Evidence</td>
<td>24–9</td>
</tr>
<tr>
<td>§24.06</td>
<td>“Ordinarily Does Not Occur” and Experience</td>
<td>24–12</td>
</tr>
<tr>
<td>§24.07</td>
<td>Flexibility of Doctrinal Elements</td>
<td>24–14</td>
</tr>
<tr>
<td>§24.08</td>
<td>Causation</td>
<td>24–16</td>
</tr>
<tr>
<td>§24.09</td>
<td>Significant Matters in Res Ihsa Analysis</td>
<td>24–16</td>
</tr>
<tr>
<td>§24.10</td>
<td>Defect and Proof of Defect</td>
<td>24–34</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Pages</td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>§24.11</td>
<td>Theories of Liability</td>
<td>24–37</td>
</tr>
<tr>
<td>§24.12</td>
<td>Clusters of Uncertain Facts: Illustrative Cases</td>
<td>24–38</td>
</tr>
</tbody>
</table>

Chapter 25

REMEDIAL CHANGES | 25–1
--- | ---
§25.01 | General Rule of Inadmissibility | 25–1 |
§25.02 | Exceptions | 25–5 |
§25.03 | Substantive-Procedural Distinction | 25–20 |
§25.04 | Focus on Strict Liability | 25–21 |
§25.05 | Explaining Remedial Measures | 25–32 |
§25.06 | Recalls | 25–33 |
§25.07 | Postmanufacture, Preaccident Modifications | 25–36 |

VOLUME IV

PART VII

SPECIAL PROBLEMS OF CHARACTERIZATION

Chapter 26

THEORIES OF LIABILITY IN CONFLICT | 26–3
--- | ---
§26.01 | Representational vs. Nonrepresentational Theories | 26–4 |
§26.02 | Use of Multiple Doctrines | 26–7 |
§26.03 | Tort vs. Contract: Strict Liability and Warranty | 26–8 |
§26.04 | Strict Liability and Negligence | 26–27 |
§26.05 | Warranty and Negligence | 26–46 |
§26.06 | State Products Liability Statutes | 26–50 |
§26.07 | Consumer Protection Statutes | 26–53 |
§26.08 | Special Problems of Characterization | 26–54 |
§26.09 | Reillustration of Doctrinal Richness | 26–55 |
§26.10 | Various Species of Theories | 26–56 |

Chapter 27

THE ECONOMIC LOSS PROBLEM | 27–1
--- | ---
§27.01 | An Overview of the Problem | 27–2 |
§27.02 | Foundations of Modern Controversy | 27–3 |
§27.03 | Commercial Plaintiffs | 27–12 |
§27.04 | Other Doctrinal Applications | 27–27 |
§27.05 | “Property Damage” | 27–36 |
§27.06 | Paradigm of Theoretical Difficulties: A Texas Trilogy | 27–107 |
§27.07 | Conceptual and Policy Arguments | 27–109 |
§27.08 | Suits by Governmental Entities for Expenses Attributing to Products | 27–113 |
§27.09 | Need for Flexibility | 27–114 |
§27.10 | The Puzzle Restated | 27–119 |
## CONTENTS

### Chapter 28
CHARACTERIZATION AND STATUTES OF LIMITATIONS 28–1

§28.00 Substance or Procedure 28–1
§28.01 Tort Over Contract 28–2
§28.02 Choice Among Limitations 28–9
§28.03 Time of Accrual 28–10
§28.04 Preference for “Contract” 28–11
§28.05 Negligence/“Products Liability”: Statutory Language 28–14
§28.06 “Contract” vs. “Implied Warranty” 28–16
§28.07 Relationship to Other Statutes of Limitations 28–17
§28.08 Products Liability Statutes and the Common Law 28–18
§28.09 Prior Pleadings: Notice Standard 28–18

### Part VIII
REMEDIES AND PROCEDURES

### Chapter 29
PUNITIVE DAMAGES 29–3

§29.01 Identifying the Issues 29–4
§29.02 Doctrinal Controversy Over Strict Liability 29–9
§29.03 Verbal Threshold 29–14
§29.04 Significant Elements of Judicial Concern 29–28
§29.05 Proposed Refinements 29–64
§29.06 Pleading and Summary Judgment 29–66
§29.07 Issues Impinging on Other Legal Categories 29–67
§29.08 Rehearsal of Rationales 29–73
§29.09 Amount of Award 29–76
§29.10 Assessing Punitive Damages 29–81

### Chapter 30
STATUTES OF LIMITATIONS AND REPOSE 30–1

§30.01 Defining the Problem 30–3
§30.02 Uniform Commercial Code 30–3
§30.03 Time of Injurious Occurrence 30–12
§30.04 “Continuing Events” Rule 30–14
§30.05 Discovery: The Basic Dispute 30–19
§30.06 Discovery Principle Amplified and Opposed 30–33
§30.07 Significant Factors in Discovery Issues 30–112
§30.08 Functional Battlegrounds of Discovery Principle 30–125
§30.09 Issues Related to Discovery Principles 30–132
§30.10 Economic Loss 30–143
§30.11 Particularized Limitations Statutes: Patent Deficiency 30–143
§30.12 Statutes of Repose
§30.13 Statutes Extending Limitations Periods

Chapter 31
JURISDICTION AND PROCEDURE
§31.01 Jurisdiction
§31.02 Collateral Estoppel

PART IX
GENERAL LEGAL ISSUES

Chapter 32
EXTENDED CONSEQUENCES: DUTY AND PROXIMATE CAUSE
§32.01 Introduction
§32.02 Unusual Consequences
§32.03 Activities Under Pressure of Events
§32.04 Independent Response to Defect
§32.05 Intervening Modifications
§32.06 Intervening Conduct of Plaintiffs
§32.07 Replacement Products
§32.08 Third-Party Conduct
§32.09 User's Emotional Distress
§32.10 Medical Monitoring
§32.11 Plaintiff Sensitivity
§32.12 Third-Party Emotional Distress

PART X
LEGISLATION

Chapter 33
STATE STATUTES
§33 Generally

PART XI
COMPARING PRODUCTS LIABILITY: CONCEPTS IN EUROPEAN AND AMERICAN LAW

Chapter E1
OVERVIEW
§E1 Comparisons of Legal Doctrines and Systems of Law

Chapter E2
PRODUCTS AND CONSUMERS
§E2.01 Products
§E2.02 Consumers
CONTENTS

Chapter E3
PRODUCERS
§E3.01 Generally
§E3.02 Components and Raw Materials
§E3.03 Trademarks and Trade Names
§E3.04 Importers
§E3.05 Leasing
§E3.06 Suppliers

Chapter E4
DAMAGES
§E4.01 Generally
§E4.02 Economic Loss

Chapter E5
THEORY OF LIABILITY: STRICT LIABILITY
§E5 Generally

Chapter E6
DEFECT
§E6.01 General Definition
§E6.02 Consumer Expectations
§E6.03 Potential Issues
§E6.04 Impact of Technological Improvement

Chapter E7
WARNINGS
§E7.01 Definitional Questions
§E7.02 Potential Issues
§E7.03 Modes of Argument: The Uses of Power and Information Costs

Chapter E8
DEFENSES
§E8.01 Product Not Put in Circulation
§E8.02 Defect Not Existing When Product Marketed
§E8.03 Not Manufactured for Sale or Distribution
§E8.04 Compliance with Public Regulations
§E8.05 Defect and Defenses: Competing Values

Chapter E9
PROOF
§E9.01 Causation

xvi
## CONTENTS

Chapter E10  
APPORTIONMENT OF LIABILITIES E10–1  
§E10.01 With Plaintiffs E10–1  
§E10.02 Among Third Parties E10–3  

Chapter E11  
REPOSE AND LIMITATIONS E11–1  
§E11.01 Limitations: Discovery Rule E11–1  
§E11.02 Repose Period E11–3  

Chapter E12  
CONTRACTING OUT: PROHIBITION OF EXCLUSIONS E12–1  
§E12 Disclaimers and Limitations of Liability E12–1  

Chapter E13  
REMEDIES E13–1  
§E13.01 Directive’s Preservation of Remedies E13–1  
§E13.02 Damages Limitations E13–2  

Chapter E14  
ASSESSMENT E14–1  
§E14.01 A Law Being Born E14–1  
§E14.02 Policy Goals: Balancing and Thrust E14–2  
§E14.03 Consumer Protection: Definitional Issues and Basic Commitments E14–4  

Table of cases TC-1  
Index IN-1

---

xvii

Marshall S. Shapo - 9781786433718  
Downloaded from Elgar Online at 12/03/2018 11:44:07AM  
via free access