

December 14, 2009

I wanted you to know that Public Justice has just joined a critically important New York case that could have a dramatic impact on consumer safety. The issue in *Wallace v. York International* is whether a product manufacturer or seller has a duty to warn about all of the dangers of its product, including the dangers of component parts that it knows will be installed on its product by others. **The defendant says that it has no duty to warn about dangerous component parts that it knows will be installed on its products. Our amici brief says that such a duty does -- and must -- exist.**



The lawsuit in *Wallace v. York International* was filed on behalf of a man who died from exposure to asbestos that was installed in an air-conditioning unit manufactured by defendant York International. He obtained a \$5 million verdict on the ground that York should have foreseen that its air conditioning units were being used, or would be used, with the ultra hazardous, asbestos-containing insulation pervasively used at the time. On appeal, York is arguing that it had no duty to warn about any dangerous components installed on its product by third parties, regardless of whether the use of the hazardous component was foreseeable.

We joined this case because York is trying to do something radical -- and potentially very dangerous. Under existing law in most states, manufacturers have a duty to warn about dangerous components that it knows could be installed on its products by third parties. **If York has its way, product manufacturers would be able to avoid liability for failing to warn of the full dangers of their products -- the dangers posed by components it knows will be installed by others.** Not only would such a ruling have a terrible effect on victims' rights in New York State, but it could spread to other states that recognize a duty to warn under such circumstances.

The *amici* brief, which was filed on December 2, 2009, on behalf of Public Justice, the American Association for Justice, and the New York State Trial Lawyers Association, was principally authored by Jeffrey R. White of the Center for Constitutional Litigation (CCL), with input from Public Justice Staff Attorney Leslie Brueckner.

To read the *amici* brief, [click here](#).

Thanks to CCL's Jeffrey White, who did the lion's share of the work on the brief.

Thanks to you, too, for helping make this important work possible. With your help, we are making a big difference. - Arthur

Arthur Bryant
Executive Director
Public Justice and the
Public Justice Foundation

P.S. Please forward this email to friends and colleagues who'd be interested. (When you do so, delete the information below about unsubscribing, or they could unsubscribe you.) To make a special contribution, renew your membership, or join us, please [click here](#).

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