



## PRODUCT LIABILITY

Avoiding products liability claims does not happen by chance. Rather, it is accomplished by a commitment to manufacturing quality products and the implementation of processes and procedures to ensure that quality is maintained.

Still, claims can occur. Minimizing exposure to the potentially devastating impact of claims requires the formulation and execution of timely and effective responses. We can assist.

### Services

Our Products Liability Group is comprised of lawyers with collective experience in virtually all classes of products and production processes, as well as personal injury and property damage claims.

Possessing the ability to effectively converse and collaborate with a wide array of engineering, medical, accounting, management, and insurance professionals, our lawyers are uniquely positioned to provide a broad range of services to both the insurance industry and product manufacturers in the following areas:

#### Risk Management

To help our clients minimize the chance of claims arising, the Products Liability Group provides advice across a spectrum of management initiatives including:

- quality assurance protocols
- document retention procedures
- loss and claims management protocols
- evidence preservation procedures
- product sale documentation (warnings and liability limitations)

#### Defence and Subrogation

We have a reputation for professionally and aggressively defending our clients against claims, and pursuing subrogation. We are able to bring to bear extensive trial and alternative dispute resolution (ADR) experience to protect the reputation of the manufacturer and the product, and to obtain expeditious resolution of the claim.

Whether acting on the defence of large class action proceedings, the pursuit of subrogated recovery in highly technical matters, or resolving claims within modest deductibles, lawyers within our Products Liability Group are committed to working closely with our clients to implement cost-efficient, innovative, and proactive solutions.

#### Coverage

When products liability claims arise, prompt and accurate identification of potential coverage issues can have a dramatic impact on exposure assessment and the formulation of appropriate strategies to minimize loss and achieve timely resolution.

### Chairs

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### Members of the Group

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Josh Sugar  
James Tomlinson  
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# PRODUCT LIABILITY cont'd...

We routinely provide advice on complex coverage issues, including:

- identification and analysis of exposures, insurance needs, and coverage options
- development and modification of policy wordings prior to issuance of the policy
- identification and analysis of the appropriate a “trigger” of coverage
- identification and analysis of potentially applicable exclusions
- identification and analysis of overlapping or concurrent coverages
- development of reservations of rights and non-waiver agreements

## Featured Cases

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- *Featured Case: Cirque du Soleil Inc. v. Volvo Group Canada Inc. et al* - Michael Blinick and Matthew W. Malcolm, May 05, 2015
- *Implied Conditions in Rental Agreements: Szilvasy and Collett claims against Reliance Home Comfort* - Hillel David C55215, November 30, 2012
- *Collett v. Reliance Home Comfort | Szilvasy v. Reliance Home Comfort* - Hillel David, ONSC 6928, December 08, 2011

## Featured Publications - for a full listing, visit our website

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- *Legalizing Marijuana: Product Liability for Producers, Distributors, and Dispensers* by Michael Blinick and Josh Sugar, First published in the *Product Liability Client Newsletter.*, December 14, 2016
- *Self-Driving Cars: Taking the Wheel out of your Hands* by Eric W.D. Boate, November 30, 2016
- *Legalizing Marijuana: Are Dispensaries and Vapour Lounges the new Tavern?* by Michael Blinick, November 29, 2016
- *Pokémon Go: Augmented Reality is the New Reality for Liability Insurers* by Michael Blinick, *MB Transportation Newsletter*, July 15, 2016
- *When all is said and done: Final Releases* by Adam Grant, First presented at a Client Seminar, December 16, 2015
- *Who's to Blame? Tips for Early Identification of Subrogation and Potentially Liable Parties* by Patricia A. Lawson and Adam Grant, First presented at a Client Seminar, December 16, 2015
- *Ontario Court of Appeal releases decision in expert evidence case* by Laurie Murphy, *MB Newsletter*, January 29, 2015
- *Protection for Settlement Negotiations*, First presented at an MB Client Seminar, March 04, 2014
- *Szilvasy v Reliance Home Comfort* by Hillel David, Presented at an MB Product Liability Seminar, September 24, 2012
- *Coverage Issues in the Manufacturing/Distribution Chain*, First Present in an MB Product Liability Seminar, September 24, 2012
- *Distributors' Liability in Canada for Defective Products*, First presented at MB's Product Liability Seminar, September 24, 2012
- *Muskoka Fuels v. Hassan Steel Fabricators Limited: Application of the Sale of Goods Act to Manufacturing Defects*, First presented at an MB Product Liability seminar, September 24, 2012
- *Effective Claims Management: The role of the crisis communication strategy*, MB Seminar - Effective Claims Management, November 05, 2011
- *Product Liability: Jurisdictional Issues In Canada*, The Harmonie Group Conference, Chicago, IL, June 01, 2011
- *Product Recall in Canada 2011*, Getting the Deal Through, March 01, 2011
- *Product Liability in Canada 2010* by Laurie Murphy, January 01, 2010
- *Tort Liability of a Manufacturer for Defective Components* by Hillel David, *Advocates Quarterly* Vol 33, August 01, 2007