



Publications

"THE STATE OF THE ART IN PA. FAILURE-TO-WARN CASES," PHILADELPHIA BUSINESS JOURNAL

"Even if a product is considered safe, a consumer can still initiate a strict liability action based upon inadequate warnings," writes Goldberg Segalla partner Matthew R. Shindell in the *Philadelphia Business Journal*. "Many states allow manufacturers to raise the 'state of the art' defense in failure-to-warn cases."

Matt's piece examines historical decisions involving strict liability law in Pennsylvania and the potential impact of an anticipated state Supreme Court decision that could finally clarify the approach to failure-to-warn. Current Pennsylvania law does not allow manufacturers to raise the defense.

"With *Amato v. Crane*, the court has been asked to decide whether a manufacturer can be found liable for the failure-to-warn about a dangerous condition unknown to the scientific community when it left the factory," writes Matt, a member of the firm's Product Liability Practice Group.

"From a practical standpoint, it is unclear why manufacturers should be responsible for the failure-to-warn about a particular danger when it is not considered harmful until years later."

Read the article here:

"The State of the Art in Pa. Failure-to-Warn Cases," *Philadelphia Business Journal*, June 24, 2016

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