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#### New Consumer Website

For those of us concerned about the quality and safety of child products (that certainly includes me), there's a new website called Parentricity, which is a parenting site that focuses on helping educate parents, grandparents and others to make more knowledgeable decisions regarding the products they purchase for children.

The site aims to provide a centralized, one-stop location where real-life parents (or grandparents) can find other parents' product reviews, or share their knowledge of other products.

## *Trial Lawyers As Part of the Solution to Wall Street Greed: A Radical Concept?*

In a blog posted earlier this month, Matt Miller floated a radical suggestion to recover those obscene bonuses that were paid out by Wall Street firms who had just taken billions in U.S. taxpayer aid: hire a class action trial lawyer who will take the case on a contingent fee.

William Lerach, who would have been the natural choice to lead the charge, is unfortunately unavailable to take this case because he is currently in the middle of a two-year prison term. But that doesn't mean the idea doesn't have merit.

In fact, the blog cites Mr. Lerach's lengthy and detailed response of how such a case would work - the U.S., in one form or another, may actually have standing to bring such a suit against the various banks and their boards of directors. And although there may be some procedural and substantive challenges that would need to be surmounted, he believed that the cases would still be worthwhile, if for no other reason than to serve as a potent deterrent against similar conduct by these financial institutions moving forward.

While it is unclear whether this particular tactic would work, one thing is fairly certain: it certainly stands a greater chance of success than trying to "shame" these bankers into ethical behavior.

## *Make New Cars Noisier, Not Quieter, Scientists Say*

In a strange and ironic twist, although automakers have long touted the quiet ride afforded by their luxury models, a recent scientific study published by the [Human Factors and Ergonomics Society](#) has raised safety concerns posed by the newer hybrid and electric cars, whose quiet ride has been found to deprive both drivers of other vehicles on the road and pedestrians, particularly the blind, of an important alert to oncoming traffic. These concerns led Rep. Edolphus Towns (D-NY) to introduce a bill entitled the [Pedestrian Safety Enhancement Act](#) in April, 2008, which calls for the U.S.

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*"People with legitimate claims should not be left at the mercy of governmental officials whose number one priority is not the public's safety."*

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## *Why Consumer Protection Should Not Be The Government's Exclusive Domain*

Although there has been much written and reported about defective and hazardous drywall material made in China, a recent report on this subject is downright frightening. According to Florida-based News-Press.com, it appears that officials from the Environmental Protection Agency, among other governmental entities (including the Florida Department of Health), waited at least 2 months from the time that they knew of the potential health or toxic hazard that these materials caused until notifying the public because they wanted to coordinate their efforts with a prominent builder that had used much of these materials, and to avoid any hysteric reaction caused by "sweeps week" on television.

To put this in context, following is a partial list of the complaints received regarding the Chinese-manufactured drywall:

- The faulty drywall gives off a rotten-egg smell
- The drywall emits chemicals that rust air conditioning coils and either tarnishes or ruins other metals inside the home, including jewelry, electrical wiring, and plumbing
- Those living in homes with the defective product have complained of respiratory difficulties, nausea and skin-related problems that tend to lessen when leaving the home, and are aggravated while at home.

Putting it mildly, these are hardly "minor" discomforts.

If you find this story disturbing, you should. And at the very least, this story should help inform the tort reform debate, in order to assure that people with legitimate claims are not left subject to the whim (and perhaps, irresponsibility) of governmental officials, particularly those whose agenda does not have the public's safety as their first and foremost concern.

## Why There Are So Few Successful Defective Products Lawsuits

by Jonathan M. Cooper

This **FREE eBook**, which explains the intricate world of defective products cases, and how the laws governing product safety play a vital role in protecting children and the general public from dangerous products is available to be downloaded directly from:

[www.ProductsLiabilityBook.com](http://www.ProductsLiabilityBook.com)

### *Make New Cars Noisier, Not Quieter* from page 1

Transportation Department to commission a scientific study quantifying the minimal sound that an approaching motor vehicle must give off in order to effectively warn blind people or others as to its presence and proximity, and thereby prevent pedestrian knock-downs or other personal injuries secondary to car accidents.

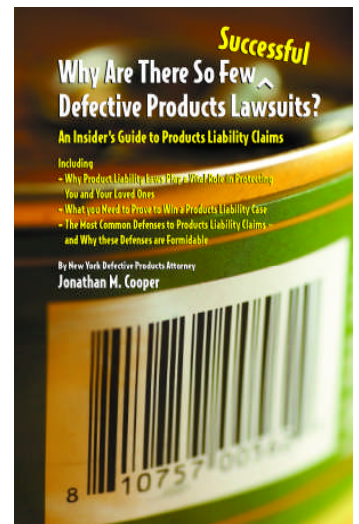
Interestingly, according to the study, the relative quiet of these newer vehicles poses an additional danger to their drivers: it tends to rob the hybrid vehicle and electric car drivers' awareness of their own speed, because unlike the gasoline-consuming and conventional transmission engines, these new cars do not make significantly more noise when shifting gears or when achieving higher RPM or speeds.

On the other hand, seeking to deliberately introduce more noise is somewhat counterintuitive, because scientists are actively seeking ways to reduce noise pollution. One fascinating technology that seeks to bridge this gap is called PANDA (Pedestrian Awareness Noise-Emitting Device and Application). It calibrates speakers to emit noise up until the cars reach 25 mph, because at that point, the sound emitted by the tires against the road and the air beating against the cars is sufficient on its own to warn pedestrians of their approach.

Another aspect of this problem addressed by the study is what type of noise should be introduced, and how loud does it need to be?

It is widely anticipated that this issue will be taken up again by the new Congress. I, for one, intend to stay tuned (no pun intended).

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*"The relative quiet of the newer hybrid or electric vehicles tends to lessen their drivers' awareness of their own speed."*

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## Did You Know?

Earlier this month, it was reported that Disney was sued for the wrongful death of an infant whose head was caught between the bars of a Winnie the Pooh bassinet. According to Disney, the functional and structural design as well as the manufacture and sale of the Simplicity bassinets were solely the responsibility of Simplicity Inc., as was the need to assure the product's compliance with legal and industry safety standards. If so, why are the plaintiffs suing Disney? It's because Simplicity collapsed earlier this year in the wake of major crib recalls and babies' deaths, and Disney remains viable.

While under California law (which is where that lawsuit is brought), even licensors may

be held liable for injuries related to the sale and use of these products, the New York rule is that a trademark licensor may not be held liable unless the licensor is shown to have had "the ability to control the design, manufacture or quality of the [product]."

Interestingly, in a recent opinion, a Federal Court in New York suggested that New York's courts would likely extend the trademark licensor's liability to circumstances where the licensor received substantial royalties on the sales of the defective product as well.

I'm sure it is only a matter of time before this issue is litigated.



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