

Presenter, “Non-Liability to Non-Participants: A Manufacturer’s Duty Should End at the Playing Field, and Not Extend to Criminal Acts,” *Mealey’s Prod. Liab. & Risk*, (August 29, 2002).

Presentations

Aug 29, 2002

Co-authored with William M. Griffin III

The case of *Travis v. Brass Eagle et al.*, recently tried to a defense verdict, presents novel issues not often encountered in a product liability lawsuit. In this case, the product itself - a paintball marker - was not defective, but was used criminally.

Plaintiffs’ claims in this civil lawsuit brought in a Colorado state court included “defective marketing,” failure to warn, breach of warranty, and Consumer Protection Act violations.

This article, which appeared in the Aug. 29, 2002, issue of *Mealey’s Product Liability & Risk*, is a discussion of those claims, as well as some of the arguments that can be used in rebuttal. It also discusses several defenses:

- The danger was open and obvious,
- The product was misused in a criminal attack,
- A manufacturer has no duty to prevent criminal misuse of the product, and

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- Criminal conduct is a superseding/intervening cause.



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