

2007 Edition

**NEW JERSEY  
PRODUCTS LIABILITY  
&  
TOXIC TORTS LAW**

*By*

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**FOREWORD**

This edition of New Jersey Products Liability & Toxic Torts Law has been revised to reflect case law and statutory developments since publication of the previous edition. Thus, the authors' expert commentary on these areas of practice has been supplemented so that the treatise is current to the date of publication. In addition, this book is now available online at [www.gannlaw.com](http://www.gannlaw.com), where developments throughout the year will be made available to subscribers via the unique "what's new" button.

This current publication is based upon the prior edition of this work and earlier, related prior work published by the New Jersey Institute for Continuing Legal Education, entitled Products Liability and Toxic Tort Law in New Jersey: A Practitioner's Guide.

The authors wish to thank Gann Law Books, the current publisher, as well as the New Jersey Institute for Continuing Legal Education for their support and assistance in the publication of this treatise.

**ABOUT THE AUTHORS**

**William A. Dreier** is a retired Presiding Judge of the Appellate Division of the New Jersey Superior Court who now practices with the firm of Norris, McLaughlin & Marcus. Appointed to the bench in 1973, Judge Dreier served for ten years as a trial judge in the Law and Chancery Divisions, and from 1983 to September 1998 was a Judge of the Appellate Division. He has been the co-author of the six editions and supplements of the earlier version of this work published since 1978 by the New Jersey Institute for Continuing Legal Education, as well as all prior editions of this treatise. He has delivered annual lectures on products liability to the New Jersey Judiciary and to the New Jersey Bar. As a frequent New Jersey ICLE lecturer, he received its highest award for excellence in continuing legal education. Judge Dreier is a member of the American Law Institute, and has both lectured and been the course coordinator for the annual ALI-ABA products liability courses. He also has lectured nationally on products liability including for several years as a faculty member of the National Judicial College. In the drafting and approval of the Restatement of Torts, Third, he was a member of the consultative group for the products liability sections and was an advisor for the apportionment sections. Judge Dreier has published numerous law review and other articles in this and other areas of the law, as well as books for ICLE on the subjects of Chancery Practice and Secured Transactions.

**John E. Keefe, Sr.** is a retired Presiding Judge of the Appellate Division of the New Jersey Superior Court who is now of counsel to the firm of Lynch, Martin & Kroll in the firm's Red Bank office. Judge Keefe was appointed to the bench in 1977 and served as a trial judge in the Law and Chancery Divisions from 1977 to 1988. In 1988, he was appointed to the Appellate Division and served there until his retirement in September 2001. He is an Adjunct Professor of Law at Seton Hall University School of Law where he has taught Products Liability since 1985. He has been an annual lecturer on products liability for the New Jersey Judicial College and a frequent lecturer for the New Jersey Institute for Continuing Legal Education, receiving the Institute's Distinguished Service Award in 2001. Judge Keefe is a member of the American Law Institute and was a member of the consultive group in the drafting of Restatement of Torts, Third, Products Liability.

**Eric D. Katz** is a Certified Civil Trial Attorney and a partner at Nagel Rice & Mazic, LLP, in Roseland, New Jersey. Mr. Katz is the author of two law review articles, the first article concerning discriminatory practices in civil jury trial selection published in the Pace Law Review, and the second article regarding the application of the market share liability theory published in the Products Liability Law Journal. Mr. Katz is also the co-author of the chapter on Third Circuit Federal Pleadings for the Third Circuit Practice Guides published by Lawyers Cooperative Publishing.