

**PRODUCTS LIABILITY – SPRING 2006
FINAL EXAMINATION**

Memorandum
To: Associate
From: Partner
RE: Gavin Zito v. Daimler Chrysler Corporation

FACTS

You are an associate at the Law Offices of Robert D. Armano. Attorney Armano has recently conducted an intake regarding an injury sustained by 6year old Gavin Zito. Specifically, on January 13, 2004, Gavin, who is an autistic child, was in the front, passenger seat of his mother's leased, 2003 Jeep Grand Cherokee (the "Jeep"). Mom purchased the Jeep because her best friend, Suzann, told her that they're great in the snow, and even better for transporting children. The car dealer, Monte Hall, confirmed Suzann's praises.

At the time of the incident, the vehicle was in a parked position and was idling while on their driveway. While Gavin's mother, Nancy was in the process of strapping his six-month-old sister, Callie, in her car seat (located in the rear of the vehicle), Gavin was attempting to insert a CD into the vehicle's in-dash CD player. Nancy related that he was apparently kneeling on the center console, and had his "left arm up." At the same time, he held the CD in his right hand.

While attempting to insert the CD, Gavin somehow triggered the sunroof switch, (Nancy isn't exactly sure how), and managed to lodge the middle finger of his left, dominant hand into the sunroof's gear mechanism. Nancy reported that "Gavin was screaming hysterically and uncontrollably at that point," and she began to panic. She noted that her attempts to dislodge the finger were fruitless, and she began to feel physically ill. She then contacted the fire department, via her cell phone, and attempted to console the child, while she waited for assistance. She related that "those ten minutes were the longest of my life." Eventually, after pulling on the finger, Gavin tore it free while firefighters worked in vain to remove it; the tip of the finger still being lodged in the gear.

After being liberated from the sunroof gear, Gavin was rushed to Children's Hospital where pediatric orthopedists concluded that the fingertip was too mangled to reattach. Gavin was thereafter treated and released to the custody of his mother. Since the incident, Nancy lamented that Gavin's treatment for autism has suffered setback after setback, despite the fact that he had been progressing well prior to the incident.

Following the intake, Attorney Armano enlisted the assistance of a mechanical engineer to inspect the vehicle's sunroof. A copy of the full report is attached hereto. **Your task is to review all relevant information, and prepare an internal memorandum of law, analyzing the facts of this very interesting case in relation to the applicable law. Attorney Armano has asked you to provide an analysis concerning *all* potential causes of action that might apply to a products liability claim of this type: DO NOT EXCLUDE ANY!** Have a great summer!