

September 28, 2020

May Amazon be held liable in strict products liability?

Day Pitney attorneys James Rotondo and Andrew Ammirati co-authored an Expert Analysis article, "May Amazon be held liable in strict products liability?," for *Westlaw Today*. The article discusses state laws imposing strict liability on "product sellers" developed by courts and legislators long before internet sales were commonplace, and how Amazon's platform for third-party sellers does not fit neatly into the model of manufacturer, distributor or retailer, the only structures contemplated at the time these laws were developed.

They discuss the case *Bolger v. Amazon.com, LLC*, No.D075738, 2020 WL 4692387 (Cal. Ct. App. Aug 13, 2020). The decision by the California Court of Appeal, Fourth District, Division 1, provides the most comprehensive rationale to date for imposing strict liability on Amazon for third-party sellers' defective products. The court reasoned that Amazon was an integral part of the overall marketing enterprise for a consumer product, and therefore, should bear the cost of injuries resulting from product defects.

Rotondo and Ammirati also discuss *State Farm Fire & Cas. Co. v. Amazon.com, Inc.*, 390 F. Supp. 3d 964 (W.D. Wis. 2019), where the federal district court, interpreting Wisconsin law, also held that Amazon could be held liable for strict liability in connection with the sale of a defective bathtub faucet adapter that malfunctioned and caused extensive property damage.

Read the full article [here](#).

Authors



James H. Rotondo

Partner

Hartford, CT | (860) 275-0197

jhrotondo@daypitney.com