

STRICT LIABILITY

Strict Liability & The Economic Loss Rule

Aas v. Superior Court (2000) 24 Cal.4th 627

Construction defects - causes of action

Strict liability

Economic Loss Rule

Strict liability is not intended to apply to products that simply do not perform to the consumers expectation.

Strict liability does not allow recovery for solely "economic losses."

Economic losses, generally, are the loss of value or the cost of repair or replacement of the "product" when there has been no claim of personal injury or property damage.

TORT REMEDIES FOR PHYSICAL PROPERTY DAMAGE

“Construction defects that have not ripened into property damage . . . do not comfortably fit the definition of ‘appreciable harm,’ an essential element of a negligence claim. . . . The breach of a duty causing only speculative harm or the threat of future harm does not normally suffice to create a cause of action.”

***Aas v. Superior Court* (2000) 24 Cal.4th 627, 646**

