

WARNING! LAWSUITS HAZARDOUS PAGE 1

What type of things are companies most commonly sued for?

Pre-reading vocabulary Discuss the meaning of these words with your teacher:

- | | | | |
|----------------|-----------|-------------|--------------|
| 1 damages | 2 fees | 3 jury | 4 sue |
| 5 award | 6 suit | 7 litigious | 8 tort |
| 9 compensation | 10 allege | 11 lawsuit | 12 plaintiff |

- ___ a claim or dispute brought to a law court for adjudication
- ___ a wrongful act or an infringement of a right (other than under contract) leading to legal liability
- ___ a body of people sworn to give a verdict on the basis of evidence submitted in court
- ___ to claim that someone has done something wrong, typically without proof
- ___ a sum of money claimed or awarded in compensation for a loss or injury
- ___ a person who brings a case against another in a court of law
- ___ something awarded to compensate for loss, suffering, or injury
- ___ tending to go to law to settle disputes
- ___ a payment made to a professional in exchange for advice or services
- ___ to institute legal proceedings against (a person or institution), typically for redress
- ___ a judicial sentence
- ___ short for 'lawsuit'

Now read the article below and complete the gaps with the appropriate form of the words above. You need one word more than once.



Forbes
May 2007

Warning: Lawsuits Hazardous To Financial Health

When Dawn Giugliano woke up from an hour-long nap on a beach in Puerto Rico last year, the 27-year-old Long Islander claims she got quite a surprise: The metal ring attaching the cups of her Victoria's Secret bikini top had seared a mark in

her chest.

To seek compensation for her _____ burns, Giugliano earlier this month hit Limited Brands, Victoria Secret's parent company, with a \$2 million _____ in Manhattan District Court. Giugliano's case is an "isolated incident," and the company is "investigating the matter," wrote Limited Brands spokesperson Jennifer Ortiz in an e-mail.

With \$10.6 billion in sales, Limited has deep pockets - the kind that make _____ lawyers salivate. But small businesses also can find themselves on the wrong end of a crushing liability suit, especially in an increasingly _____ environment.

In 2005 the cost of all liability _____ in the U.S. (including

damages, lawyers' _____ and administrative fees) accounted for nearly 2.09% of gross domestic product, or \$261 billion, versus 0.62% back in 1950, according to a survey by consulting firm TowersPerrin. (A tort case involves a civil wrong and seeks _____ for harm done to people or property.) In 2004, the median jury _____ in product-liability cases was \$1.8 million, estimates the National Small Business Association, a lobbying group; plaintiffs' success rate: 61%.

While interpretations of liability law vary drastically from state to state, these cases basically boil down to two principals. First, companies must take care not to put customers in "unforeseen" danger, assuming that those customers act in a "reasonable" manner when interacting with the product or

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service. Repeatedly jabbing a bottle of Coca-Cola in your eye and _____ for damages probably wouldn't fly in court, for example. (Then again, what constitutes "reasonable" behavior to any given set of _____ members is anyone's guess.) Second, companies

have to provide sufficient warning of "foreseeable" danger; hence the proliferation of all those goofy warning labels on product packaging and company websites.

Thanks to a \$3 million jury _____ in 1992 for 79-year-old

Stella Liebeck, who famously burned herself by spilling coffee in her lap, McDonald's now warns its customers that its coffee is, well, hot. Starbucks and Dunkin' Donuts use similar warnings, too. But things have gotten much crazier since then.

Discussion Would you say you live in a litigious country? Have you noticed that products are carrying more warnings than before?

As the article states, fear of litigation has made some companies extremely cautious. What products do you think these warnings appeared on? The pictures below may help you. Use the following expressions to draw your conclusions.

It might be... It could be... It must be... It may be... It can't be...

Discuss with your teacher how certain each expression is before starting.

Label: Keep pet birds out of the kitchen when using this product.

Label: This costume does not enable flight or super strength.

Label: Do not iron clothes on body.

Label: Do not use for personal hygiene.

Label: This product moves when used.

Label (on website): Do Not Eat

Label (printed on item): Do Not Iron

Label (printed on item): Do not use while operating a moving vehicle.

Label: Do not try to dry in a microwave.



1. Music capacity is based on 4 minutes per song and 128 Kbps AAC encoding.
2. Do not eat iPod shuffle.
3. Rechargeable batteries have a limited number of charge cycles and may eventually need to be replaced.

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Teacher's notes

Total pages 3 / student pages 2 / week of 21.05.07 / mid-intermediate+

Pre-reading vocabulary

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- 3 a body of people sworn to give a verdict on the basis of evidence submitted in court
- 10 to claim that someone has done something wrong, typically without proof
- 1 a sum of money claimed or awarded in compensation for a loss or injury
- 12 a person who brings a case against another in a court of law
- 9 something awarded to compensate for loss, suffering, or injury
- 7 tending to go to law to settle disputes
- 2 a payment made to a professional in exchange for advice or services
- 4 to institute legal proceedings against (a person or institution), typically for redress
- 5 a judicial sentence
- 6 short for 'lawsuit'

Gapfill - Words in order of appearance:

alleged – lawsuit – plaintiff – litigious - torts – fees – damages – award – suing – jury - award

Warning-product match:

Label: Keep pet birds out of the kitchen when using this product.

Product: Bialetti Casa Italiana's nonstick pans

Label: This costume does not enable flight or super strength.

Product: Frankel's Costume Superman costumes

Label: Do not iron clothes on body.

Product: Rowenta's irons

Label: Do not use for personal hygiene.

Product: Scrubbing Bubbles Fresh Toilet Brush

Label: This product moves when used.

Product: Razor scooter

Label (on Web site): Do Not Eat

Product: Apple's iPod shuffle

Label (printed on item): Do Not Iron

Product: Lottery ticket

Label (printed on item): Do not use while operating a moving vehicle.

Product: Augusta Yellow Pages

Label: Do not try to dry in a microwave.

Product: Mobile phone