

Reporting Of Settled Lawsuits

Reporting Requirements Under Section 37



Under Section 37, the CPSA requires manufacturers of consumer products to report information about settled lawsuits. Manufacturers must report if:

- A particular model of the product is subject to at least three civil actions filed in federal or state court.
- Each suit alleges the involvement of that particular model in death or grievous injury.
- During one two year period, specified in the law, each of the three actions resulted in a final settlement involving the manufacturer in a court judgment in favor of the plaintiff.
- The manufacturer is involved in the defense or has notice of each action prior to the entry of the final order and is involved in discharging any obligation owed to the plaintiff as a result of the settlement of judgment.

Under Section 37, the manufacturer must report the following information:

- Their name and address
- The model and model number of the product
- A statement as to whether the civil action alleged death or grievous bodily injury and the nature of the injury.
- A statement as to whether the case resulted in a final settlement or a judgment.
- In the case of a judgment in favor of the plaintiff, the name and number of the case and the court that it was filed in.

Additional information may also be provided. For example, the manufacturer may state whether they plan to appeal the judgment or specific denial that the information does not reasonably support the conclusion that the product caused death or grievous bodily injury and an explanation why the manufacturer did not previously report the risk under Section 15.

A manufacturer must report within 30 days after the final settlement of the three lawsuits.
Companies must file Section 37 reports in writing to the Director of Recalls and Compliance

Confidentiality of Reports

Unlike Section 15 reports, the Commission can not disclose to the general public any information reported under Section 37. By law, reporting under Section 37 is not an admission of the existence of an unreasonable risk of injury, a defect, or a substantial product hazard, an imminent hazard or any other liability.

Where To Report

Telephone: 301.504.7913
Fax: 301.504.0359
Electronically at www.cpsc.gov
For more information, contact PPAI at ppailaw@ppai.org.



© 2015 Promotional Products Association International (PPAI). This information is furnished by PPAI for educational and informational purposes only. PPAI makes no and expressly disclaims any and all representations and warranties, express or implied, including any warranty of fitness for a particular purpose and/or statements about specific dates, coverage, application or otherwise. Users are advised to consult with appropriate legal counsel or other professional about the specific application of the law or this information to the user's business and products.

P R O D U C T™
RESPONSIBILITY
POWERED BY **PPAI**