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Responding to Breach of Warranty Claims

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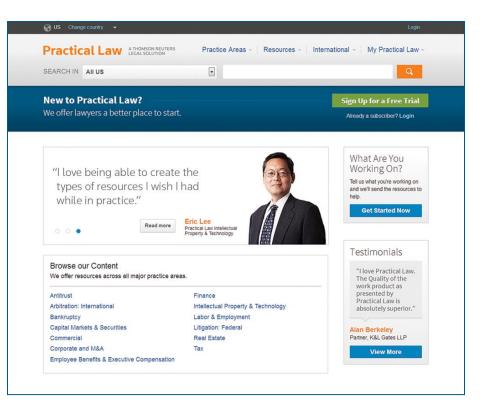
Presenters: Ryan C. Hardy, *Spencer Fane LLP*

Robert Ford, Practical Law Commercial Transactions



About Practical Law

- Practical resources covering all major practice areas.
- Overviews, model documents, trend articles and more created by our expert attorneys.
- Dedicated areas for law firms and law departments.
- Practice centers for specialists.
- What's Market for publicly-filed commercial agreements covering a variety of industry sectors and topics.
- Updates on the latest legal and market developments.
- Practical Law The Journal magazine covering today's transactional and compliance topics as well as key issues and developments in litigation practice and procedure.





Responding to Breach of Warranty Claims

- Pre-claim preparation, and receiving the claim
- Demanding the list of deficiencies
- Demanding preservation of goods
- Instructions to the buyer
- Inquiring about the discovery of defects
- Vouching in
- Q&A



Pre-Claim Preparation

- Knowing your contracts
 - What does your warranty say?
 - What does it obligate you to do?
 - When, and under what conditions, must you do it?
- Training your employees
 - Benefit of claims department
 - Specific procedures



The Letter

- Request written list detailing alleged deficiencies.
- Instruct buyer to preserve goods for inspection.
- Instruct buyer on what to do with the goods.
- Inquire about how defect was discovered.



Vouching In

- Vouching is a means to obtain a defense from your seller.
- It should not be done automatically; you should consider the costs and benefits.
- But, if you attempt to vouch your seller, and the seller does not come in to defend, it is bound by all facts determined in litigation between you and your buyer.



Questions



Relevant Practical Law Resources Available with a *Free Trial* to Practical Law

- <u>Responding to Claims That Goods Do Not Conform to</u> <u>Warranties Checklist</u>
- Practice Note, The Magnuson-Moss Warranty Act for Consumer Goods
- Practice Note, UCC Article 2 Express Warranties
- Practice Note, Preempting and Mitigating Product Liability
 <u>Claims</u>
- <u>Standard Document, General Terms and Conditions for the Sale</u> of Goods (Pro-seller)



About the Speakers

Ryan Hardy, Associate, Spencer Fane Britt & Browne

Ryan Hardy helps manufacturers avoid and navigate supply-chain and customer disputes, both in and out of court. Ryan also uses his litigation experience to represent banks, property managers, and small business owners. In addition, Ryan shares his legal insights as author of the Manufacturer's Corner column of Spencer Fane's Commercial Law Blog.



About the Speakers

Robert Ford, Senior Associate Editor, Practical Law Commercial Transactions

Robert Ford joined Practical Law from Hughes Hubbard and Reed LLP, where he was an associate in the litigation group.

