



Roberts v. Rich Foods, Inc.
N.J.,1995.

Supreme Court of New Jersey.

John J. ROBERTS, both as an Individual and as
Guardian Ad Litem for the Minor Plaintiffs James
A. Roberts and Sherry A. Roberts, Plaintiffs,
v.

RICH FOODS, INC., a Foreign Corporation, Willi-
am Lovette, and Anita I. Roberts, Defendants.
Anita I. ROBERTS, Defendant and Third-Party
Plaintiff-Respondent,
v.

CADEC SYSTEMS, INC., a Foreign Corporation,
Defendant and Third-Party Defendant-Appellant,
and The Estate of Orlando Soler, The Estate of Mar-
ilyn Menkes, Stone and Webster Engineering Cor-
poration, a Massachusetts corporation authorized to
do business in the State of New Jersey, Conduit and
Foundation corporation, a Pennsylvania corporation
authorized to do business in the State of New Jer-
sey, Fleet Safety, a Virginia corporation, New Jer-
sey Turnpike Authority, and John Doe 1-150, i/
j/s/a, Third-Party Defendants.

Argued Nov. 29, 1994.

Decided March 21, 1995.

Motorist injured in collision with tractor trailer
which occurred while driver of tractor trailer was
entering data into on-board computer brought
products liability action against manufacturer of
computer. After judgment was entered on jury ver-
dict for manufacturer, motorist appealed, and the
Superior Court, Appellate Division, reversed and
remanded for new trial. After manufacturer's peti-
tion for certification was granted, [137 N.J. 314, 645
A.2d 142](#), the Supreme Court, [Garibaldi, J.](#), held
that: (1) under New Jersey Products Liability Act of
1987, product is by statutory definition not defecti-
vely designed where risk of harm created by
product would be recognized by ordinary person
and harm is caused by inherent characteristic of
product; (2) defendant bears burden of proving de-

fense by preponderance of evidence; but (3) de-
fense is inapplicable if plaintiff proves by prepon-
derance of evidence that defendant could have
eliminated danger without impairing usefulness of
product; (4) term "impairing the usefulness of the
product" means significantly diminishing product's
intended use; and (5) issue of whether operability
of all functions of computer while tractor was in
motion was inherent characteristic of product was
for jury.

Affirmed as modified.

West Headnotes

[1] Products Liability 313A **26**

313A Products Liability

313AI Scope in General

313AI(A) Products in General

313Ak26 k. Defenses in General; Limita-
tion of Liability. [Most Cited Cases](#)

In attempting to limit liability of manufacturers, Le-
gislation, via Products Liability Act of 1987,
strengthened rather than weakened state-of-the-art
defense. [N.J.S.A. 2A:58C-3](#), subd. a(1).

[2] Products Liability 313A **26**

313A Products Liability

313AI Scope in General

313AI(A) Products in General

313Ak26 k. Defenses in General; Limita-
tion of Liability. [Most Cited Cases](#)

Under Products Liability Act of 1987, exception to
state-of-the-art defense applies to certain egre-
giously unsafe or ultrahazardous products that have
hidden risks or could seriously injure third persons,
and have little or no usefulness; state-of-the-art
evidence is not defense to liability for injury caused
by such products. [N.J.S.A. 2A:58C-3](#), subd. b.

[3] Statutes 361 **188**

361 Statutes