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Standard Terminology of Technical Aspects of Products Liability Litigation¹

INTRODUCTION

The terms defined in this standard are used in the standards under the jurisdiction of Committee E-40 on Technical Aspects of Products Liability Litigation. Individual standards should be consulted for context of use. Although individual words in this standard are defined in common-language dictionaries, the definitions herein reflect the implied meanings and nuances of usage in this field.

condition of evidence—the state in which evidence exists at a stated period in time.

data, n—facts or information to be used as a basis for discussion or decision.

evidence, n—anything that establishes fact or gives reason for belief.

fact, n—a thing asserted to be true as a basis for reasoning.

hypothesis, n—a supposition or conjecture put forward to account for certain facts, and used as a basis for further investigation by which it may be proved or disproved.

incident, n—an event, activity, or disturbance occurring singularly and distinctly.

item, n—a single thing in a list or number of things.

methodology, n—the body of methods used in a particular branch of activity.

opinion, n—a belief or judgment based on facts and logic, but without absolute proof of its truth.

party, n—a person, or organization concerned, having, or taking part in, any affair, matter, transaction, or proceeding, considered individually.

Discussion—In general, a party is one having right to

control proceedings, to make defense, to adduce and cross-examine witnesses, and to appeal from judgment.

party in interest—any party that has, or may reasonably be expected to have, a direct or indirect involvement in the results of any expert examination of any item.

Discussion—A party in interest could include, but not be limited to: persons injured or possibly injured by the product; any person, firm, corporation or organization that designed, manufactured, assembled, packaged, inspected, distributed or sold the product or a component part of the product; attorneys of record or attorneys who represent any party in interest; or any insurance carrier or other indemnifying person or organization.

products liability—responsibility imposed for harm as the result of a defective product.

scientific method—the systematic collection and classification of data and, usually, the formulation and testing of hypotheses based on the data.

significant data—those that are important, noteworthy, or meaningful.

technical data—those based upon the mechanical arts, applied sciences, or related crafts.

technical expert—a person educated, skilled, or experienced in the mechanical arts, applied sciences, or related crafts.

technical findings—the results reached by means of inquiry, testing, and evaluation of technical data.

traceability, n—ability to track to the origin a thing or chain of related data and facts.

transitory conditions—those existing for a time, but not lasting.

¹ This terminology is under the jurisdiction of ASTM Committee E-40 on Technical Aspects of Products Liability Litigation and is the direct responsibility of Subcommittee E40.01 on Terminology and Definitions.

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