STATE	SOL FOR DMD CASE (Product)[1]	SOL FOR DMD CASE (Wrongful Death)	PRODUCT LIABILITY STANDARD*	INNOCENT SELLER or CLOSED CONTAINER LAW RECOGNIZED?	COMPARATIVE FAULT BETWEEN PLAINTIFF AND DEFENDANT	JOINT AND SEVERAL LIABILITY BETWEEN DEFENDANTS	LEARNED INTERMEDIARY DOCTRINE RECOGNIZED?	COMMENT K RECOGNIZED FOR PHARMA?*	COMMENT K RECOGNIZED FOR DEVICES?*	EXPERT STANDARD*	PUNITIVES STANDARD*	STATUTORY PUNITIVES CAP*
Alabama	2 years; Ala. Code § 6-2-38(*l*); Y (DR); N (SOR)	2 years from decedent's death; Ala. Code § 6-5-410	M; *Beech v. Outboard Marine Corp.*, 584 So. 2d 447, 450 (Ala. 1991)	Yes; Ala. Code § 6-5-521(b); *Dillard v. Pittway Corp.*, 719 So. 2d 188, 192 (Ala. 1998)	No; Ptf fault bars recovery (pure contributory); *General Motors Corp. v. Saint*, 646 So. 2d 564, 568 (Ala. 1994)	Yes; *General Motors v. Edwards*, 482 So. 2d 1176, 1195 (Ala. 1985)	Yes; SA; *Stone v. Smith, Kline & French Labs,* 447 So. 2d 1301, 1303–04 (Ala. 1984)	Yes; AB; SLO; *Stone v. Smith, Kline & French Labs,* 447 So. 2d 1301, 1305 (Ala. 1984)	Yes; AB; SLO; *Purvis v. PPG Indus, Inc.*, 502 So. 2d 714, 718 (Ala. 1987)	F; *ArvinMeritor, Inc. v. Johnson*, 1 So. 3d 77, 87 n.1 (Ala. Civ. App. 2008)	C; Ala. Code § 6-11-20(a)	If no physical injury, capped at greater of 3X compensatory damages or $500,000 (Ala. Code § 6-11-21(a)); if physical injury, capped at greater of 3X compensatory damages or $1.5 million (Ala. Code § 6-11-21(d)); no caps in wrongful death actions (Ala. Code § 6-11-21(j))
Alaska	2 years; Alaska Stat. § 09.10.070(a); Y (DR); N (SOR)	2 years from decedent's death; Alaska Stat. § 09.55.580(a)	M; *General Motors Corp. v. Farnsworth*, 965 P.2d 1209, 1220–21 (Alaska 1998); *Caterpillar Tractor Co. v. Beck*, 593 P.2d 871 (Alaska 1979)	No	Yes; pure comparative fault; Alaska Stat. §§ 09.17.060-080; *Kaatz v. State*, 540 P.2d 1037, 1049 (Alaska 1975)	No (pure several); Alaska Stat. § 09.17.080	Yes; SA; *Shanks v. Upjohn Co.*, 835 P.2d 1189, 1200 (Alaska 1992)	No (although Alaska essentially follows a C/SLO approach); *Shanks v. Upjohn Co.*, 835 P.2d 1189, 1197–98 (Alaska 1992)	No	D; *State v. Coon*, 974 P.2d 386, 402 (Alaska 1999)	C; Alaska Stat. § 09.17.020(b)	Generally capped at greater of 3X compensatory damages or $500,000; if D's conduct motivated by financial gain, capped at greater of 4X compensatory damages, 4X amount of financial gain, or $7 million; Alaska Stat. § 09.17.020(f)-(g)
Arizona	2 years; Ariz. Rev. Stat. Ann. § 12-542, 12-551; Y (DR); N (SOR)	2 years from decedent's death; Ariz. Rev. Stat. Ann. § 12-542, 12-551	M (RB approved for design defect cases; *Dart v. Wiebe Mfg. Inc.*, 709 P.2d 876, 878–79 (Ariz. 1985); CE mostly used in manufacturing defect cases; *Gomulka v. Yavapai Mach. & Auto Parts, Inc.*, 745 P.2d 986, 989–90 (Ariz. 1987)	No	Yes; pure comparative fault; Ariz. Rev. Stat. Ann. § 12-2505	No (several only); Ariz. Rev. Stat. Ann. § 12-2506	Yes; SA; *Dole Food Co. v. North Carolina Foam Indus.*, 935 P.2d 876, 880–83 (Ariz. Ct. App. 1996)	Yes; C; SLO; *Gaston v. Hunter*, 588 P.2d 326, 339–40 (Ariz. Ct. App. 1978)	Probably; *Miller v. Stryker Instruments*, CV 09-813-PHX-SRB, 2012 WL 1718825 (D. Ariz. Mar. 29, 2012) (discussing comment K in reference to a device but noting that it did not apply only because the defendant did not meet the requirements)	D; Ariz. R. Evid. 702	C; *Thompson v. Better-Bilt Aluminum Prods. Co., Inc.*, 832 P.2d 203, 210 (Ariz. 1992)	None
Arkansas	3 years, Ark. Code Ann. § 16-116-103; Disc. Rule Recognized; no statute of repose.	3 years, Ark. Code Ann. § 16-116-103; Ark. Code Ann. § 16-62-102(c)(1) Y	CE; *Berkeley Pump Co. v. Reed-Joseph Land Co.*, 279 Ark. 384 (1983); *Mason v. Mitcham*, 2011 Ark. App. 189 (2011);	No;	Comparative Fault, 50% rule – Ark. Code Ann. § 16-64-122. Ark. Code Ann. § 16-55-201 et seq	Several liability, with some exceptions; no current rule of procedure by which litigants can obtain an assessment of the fault of any non-parties. *Johnson v. Rockwell*	Yes; *West v. Searl & Co*, 305 Ark. 33 (1991)	Yes as affirmative defense; *West v. Searl & Co*, 305 Ark. 33 (1991)	Yes as affirm defense, *Hill v. Searle Labs*, 884 F.2d 1064 (8th. Cir. 1989).	D: Relies on Daubert, *Farm Bureau Mutual Ins. Co. v. Foote*, 341 Ark. 105 (2000).	C; Ark. Code Ann. § 16-55-207	N; an enacted statutory cap was held unconstitutional. *Bayer CropScience LP v. Shafer*, 2011 Ark. 518 (Ark. 2011).

[1] Most states have exceptions to their general SOL for minors, incompetent plaintiffs, etc., and these exceptions are not covered in this table.

STATE	SOL FOR DMD CASE (Product)[1]	SOL FOR DMD CASE (Wrongful Death)	PRODUCT LIABILITY STANDARD*	INNOCENT SELLER or CLOSED CONTAINER LAW RECOGNIZED?	COMPARATIVE FAULT BETWEEN PLAINTIFF AND DEFENDANT	JOINT AND SEVERAL LIABILITY BETWEEN DEFENDANTS	LEARNED INTERMEDIARY DOCTRINE RECOGNIZED?	COMMENT K RECOGNIZED FOR PHARMA?*	COMMENT K RECOGNIZED FOR DEVICES?*	EXPERT STANDARD*	PUNITIVES STANDARD*	STATUTORY PUNITIVES CAP*
						Automation, Inc., 2009 Ark. 241 (2009).						
California	2 years; Cal. Code Civ. Proc. § 335.1; Y (DR); N (SOR)	2 years from decedent's death; Cal. Code Civ. Proc. § 335.1	M; *Barker v. Lull Eng'g Co.*, 573 P.2d 443 (Cal. 1978)	No	Yes; pure comparative fault; *Daly v. GM Corp.*, 575 P.2d 1162, 1172 (Cal. 1978); *Fluor Corp. v. Jeppeson & Co.*, 170 Cal. App. 3d 468 (Cal. Ct. App. 1985)	Yes, for economic damages only; Cal. Civ. Code § 1431.2(a)	Yes; SA; *Carlin v. Superior Ct.*, 920 P.2d 1347 (Cal. 1996)	Yes; AB; SLO; *Brown v. Sup. Ct.*, 751 P.2d 470 (Cal. 1988)	Yes; AB; SLO; *Hufft v. Horowitz*, 4 Cal. App. 4th 8 (Cal. Ct. App. 1992)	F; *People v. Leahy*, 882 P.2d 321 (Cal. 1994) (reaffirming *Frye* (as adopted in *People v. Kelly*, 549 P.2d 1240 (Cal. 1976)); *Sargon Enterprises, Inc. v. University of So. Cal.*, 55 Cal. 4th 747 (2012) (emphasizing a trial judge's gatekeeping responsibility, citing *Daubert* and related federal cases, yet noting *Leahy* is still valid)	C; Cal. Civ. Code § 3294	None
Colorado	2 years; Colo. Rev. Stat. § 13-80-106; Y (DR); N (SOR)	2 years from decedent's death; Colo. Rev. Stat. § 13-80-106	RB; *Barton v. Adams Rental Inc.*, 938 P.2d 532, 537 (Colo. 1997); *Camacho v. Honda Motor Co. Ltd.*, 741 P.2d 1240, 1245 (Colo. 1987)	Yes; Colo. Rev. Stat. § 13-21-402(1)	Yes; pure comparative fault; Colo. Rev. Stat. § 13-21-406	No (several only); Colo. Rev. Stat. § 13-21-111.5	Yes; SA; *O'Connell v. Biomet, Inc.*, 250 P.3d 1278, 1281–82 (Colo. App. 2010)	Yes; C; SLO; *Ortho Pharmaceutical Corp. v. Heath*, 722 P.2d 410, 415 (Colo. 1986)	Yes; C; SLO; *Camacho v. Honda Motor Co. Ltd.*, 741 P.2d 1240, 1244 n.5 (Colo. 1987)	U; *People v. Rector*, 248 P.3d 1196, 1200 (Colo. 2011) (admissibility of expert testimony determined by inquiry into "totality of the circumstances" including *Daubert* factors); *People v. Shreck*, 22 P.3d 68, 78 (Colo. 2001).	Beyond a reasonable doubt; Colo. Rev. Stat. § 13-25-127(2)	Capped at amount of actual damages, but, if D continues same behavior or further aggravates Ps damages during pendency of the case, capped at 3X actual damages; Colo. Rev. Stat. § 13-21-102
Connecticut	3 years; Conn. Gen. Stat. § 52-577a(a); Y (DR); Y (SOR)	3 years from decedent's death;	M; *Potter v. Chicago Pneumatic Tool Co.*, 694 A.2d 1319, 1328–30,	No	Yes; pure comparative fault; Conn. Gen. Stat. § 52-572o	Yes; Conn. Gen. Stat. § 52-572o	Yes; SA; *Hurley v. Heart Physicians, P.C.*, 898 A.2d 777,	Yes; AB; SLO; *Hurley v. Heart Physicians, P.C.*, 898 A.2d 777, 783–85 (Conn. 2006)	Yes; AB; SLO; *Hurley v. Heart Physicians, P.C.*, 898 A.2d 777, 783–85 (Conn.	D; *State v. Porter*, 698 A.2d 739, 742 (Conn. 1997)	P; *Ames v. Sears, Roebuck & Co.*, 514 A.2d. 352, 358–	Capped at 2X compensatory damages; Conn. Gen. Stat. § 52-240b

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		Conn. Gen. Stat. § 52-577a(a)	1332–34 (Conn. 1997)				783–85 (Conn. 2006)		2006)		59 (Conn. App. Ct. 1986)	
Delaware	2 years; Del. Code Ann. tit. 10, § 8119; Y (DR); N (SOR)	2 years from decedent's death; Del. Code Ann. tit. 10, § 8107	U; *Dillon v. Gen. Motors Corp.*, 315 A.2d 732, 736 (Del. Super. Ct. 1974) (product has design defect "if it is not reasonably fit for its intended use")	Yes; Del. Code Ann. tit. 18, § 7001	Yes; modified comparative fault (51% bar rule); Del. Code Ann. tit. 10, § 8132	Yes; Del. Code Ann. tit. 10, § 6301	Yes; SA; *Lacy v. G.D. Searle & Co.*, 567 A.2d 398, 399–400 (Del. 1989)	No (no authority)	No (no authority)	D; *M.G. Bancorporation, Inc. v. Le Beau*, 737 A.2d 513, 522 (Del. 1999)	P; *Cloroben Chemical Corp. v. Comegys*, 464 A.2d 887, 891 (Del. 1983)	None
Florida	4 years; Fla. Stat. Ann. § 95.11(3); Y (DR); Y (12-yr SOR; Fla. Stat. Ann. § 95.031(2))	2 years from decedent's death; Fla. Stat. Ann. § 95.11(4)	M; *Force v. Ford Motor Co.*, 879 So. 2d 103, 107–08 (Fla. Dist. Ct. App. 2004)	No	Yes; pure comparative fault; Fla. Stat. Ann. § 768.81(2)	No; Fla. Stat. Ann. § 768.81(3)	Yes; SA; *Hayes v. Spartan Chem. Co., Inc.*, 622 So. 2d 1352, 1354 (Fla. Dist. Ct. App. 1993); *Upjohn Co. v. MacMurdo*, 562 So. 2d 680, 683 (Fla. 1990) (citing *Felix v. Hoffmann-LaRoche, Inc.*, 540 So.2d at 104)	Yes; C; SLO; *Adams v. G.D. Searle & Co., Inc.*, 576 So. 2d 728, 732–33 (Fla. Dist. Ct. App. 1991)	Yes; C; SLO; *Adams v. G.D. Searle & Co., Inc.*, 576 So. 2d 728, 732–33 (Fla. Dist. Ct. App. 1991)	F; *Marsh v. Valyou*, 977 So. 2d 543, 547 (Fla. 2007)	C; Fla. Stat. Ann. § 768.725	Generally capped at the greater of 3X compensatory damages or $500,000; if D's wrongful conduct motivated solely by unreasonable financial gain and D knew unreasonably dangerous nature of conduct plus high likelihood of injury, capped at greater of 4X compensatory damages or $2 million; if D specifically intended to harm, no cap; Fla. Stat. Ann. § 768.73
Georgia	2 years; Ga. Code Ann. § 9-3-33; Y (DR); Y (10-yr SOR, but does not apply to (a) negligent failure-to-warn claims, (b) claims that manufacturer's negligence caused disease or birth defect, or (c) claims that	2 years from decedent's death; Ga. Code Ann. § 9-3-33; *Kitchens v. Brusman*, 633 S.E.2d. 585, 586 (Ga. Ct. App. 2006)	RB; *Banks v. ICI Americas, Inc.*, 450 S.E.2d 671, 673–75 (Ga. 1994)	Yes; Ga. Code Ann. § 51-1-11.1; *Buchan v. Lawrence Metal Products, Inc.*, 607 S.E.2d 153, 155–56 (Ga. Ct. App. 2004)	Yes and no; Generally modified comparative fault (50% bar rule) (Ga. Code Ann. § 51-11-7; *Union Camp Corp. v. Helmy*, 367 S.E.2d 796, 799–800 (Ga. 1988)), but Ptf fault will bar recovery *if* failure to use ordinary care is sole proximate cause of injury (Ga. Code Ann. § 51-11-7; *Bossard v.*	No(several); Ga. Code Ann. § 51-12-33; *McReynolds v. Krebs*, 705 S.E.2d 214, 216–17 (Ga. Ct. App. 2010)	Yes; SA; *Williams v. Am. Med. Sys.*, 548 S.E.2d 371, 374–75 (Ga. Ct. App. 2001); *Presto v. Sandoz Pharmaceuticals Corp.*, 226 Ga. App. 547, 548, 487 S.E.2d 70, 73 (1997)	Yes; C; SLO; *Bryant v. Hoffmann-La Roche, Inc.*, 585 S.E.2d 723, 727–28 (Ga. Ct. App. 2003)	No (no authority)	D; *Butler v. Union Carbide Corp.*, 712 S.E.2d 537, 540–42 (Ga. Ct. App. 2011)	C; Ga. Code Ann. § 51-12-5.1	None; Ga. Code Ann. § 51-12-5.1

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	manufacturer's conduct manifests a willful, reckless, or wanton disregard for life or property; Ga. Code Ann. § 51-1-11)				*Atlanta Neighborhood Dev. P'ship, Inc.*, 564 S.E.2d 31, 34–35 (Ga. Ct. App. 2002))							
Hawaii	2 years; Haw Rev. Code Ann. §657-7 DRR: Y SRR: N	2 years; Haw Rev. Code Ann. § 657-7	CE; Ontai v. Straub Clinic and Hosp. Inc., 66 Haw. 237, 241, 659 P.2d 734, 739 (1983).	No.	Modified comparative; Haw. Rev. Stat. § 663-31, but in cases based upon strict liability, pure comparative applies; Armstrong v. Cione, 738 P.2d 79 (1987).	Yes, joint and several liability for products liability actions; Haw. Rev. Stat. § 663-10.9(2)(E)	Yes, SA; Craft v. Peebles, 893 P.2d 138, 155 (Haw. 1995).	Yes, C; Forsyth v. Eli Lilly & Co. No. Civ. 95–00185 ACK, 1998 WL 35152135, at *3 (D. Haw. Jan. 5, 1998).	C; Larsen v. Pacesetter Systems, Inc., 837 P.2d 1273, 1286 (Haw. 1992).	D; Haw. Rule Evid. 702 identical to F.R.E. 702; Craft v. Peebles 78 Hawai'i 287, 893 P.2d 138 (1995).	C; Masaki v. General Motors Corp., 780 P.2d 566 (Hawaii 1989).	No.
Idaho	2 years; Idaho Code § 5-219 (4) DRR: N SRR: Y; Idaho Code § 6-1403(2)	2 years; Idaho Code § 5-219(4)	CE; Rojas v. Lindsay Mfg. Co., 108 Idaho 590, 701 P.2d 210 (1985).	Innocent Seller; Idaho Code § 6-1407	Modified comparative; Idaho Code § 6-1404.	No, except as to tortfeasors acting as an agent or acting in concert to commit a reckless or intentional act; Idaho Code § 6-803	No, though Supreme Court has made approving reference in dicta; Sliman v. Aluminum Co. of Am., 112 Idaho 277 (1986).	Yes, C; Toner v. Lederle Laboratories, 732 P.2d 297 (Idaho 1987).	AU	D; I.R.E. 702 is identical to F.R.E. 702; State v. Parkinson, 909 P.2d 647, 652 (Idaho Sup. Ct. 1996) (looks to Daubert for guidance).	C; Idaho Code § 6-1604.	Yes; Idaho Code § 6-1604(3).
Illinois	2 years; 735 Ill. Comp. Stat. 5/13 - 213 DRR: Y SRR: Y; 735 ILCS 5/13-213(b)	2 years; 740 Ill. Comp. Stat. 18012	M; Mikolajczyk v. Ford Motor Co., 901 N.E.2d 329 (Ill. 2008).	No.	Modified comparative; 735 Ill. Comp. Stat. 5/2-1116.	Yes for medical damages. All other damages, defendants found to be < 25% at fault are only severally liable, while defendants found to be > 25% at fault are jointly and severally liable (735 Ill. Comp. Stat. 5/2/-1117; Unzicker v. Kraft Food Ingredient	Yes, SA; Martin ex rel. Martin v. Ortho Pharm Corp., 169 Ill.2d 234, 238 (1996).	Yes, C; Glassman v. Wyeth Laboratories, Inc., 238 Ill.App.3d 533, 179 Ill.Dec. 506, 606 N.E.2d 338, 342 (1992).	AU	F; Ill. Rule Evid. § 702; Donaldson v. Central Illinois Public Service Co., 199 Ill. 2d 63, 767 N.E.2d 314 (2002).	P; 735 Ill. Comp. Stat. 5/2-604.1	No.

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						Corp., 783 N.E.2d 1024 (Ill. 2002).						
Indiana	2 years; Ind. Code § 34-20-3-1. DRR: Y SRR: Y; Ind. Code 34-20-3-1.	2 years; Ind. Code § 34-23-1-1.	CE; Ind. Code § 34-6-2-146.	No.	Modified comparative; Ind. Code §§ 34-51-2-5, 34-51-2-6.	No; Ind. Code § 34-20-7-1	Yes, SA; Ortho Pharm. Corp. v. Chapman, 388 N.E.2d 541, 558 (Ind. Ct. App. 1979).	Yes, C; Ortho Pharmaceutical Corp. v. Chapman, 388 N.E.2d 541, 545-46 (Ind. App. 1979).	Yes, C; Phelps v. Sherwood Medical Industries, 836 F.2d 296 (7th Cir. 1987).	D; Ind. R. Evid. 702 is identical to F.R.E. 702; Steward v. State, 652 N.E.2d 490, 498 (Ind. 1995).	C; Ind. Code § 34-51-3-2.	Yes; Ind. Code § 34-51-3-4.
Iowa	2 years; Iowa Code §614.1(2) DRR: N SRR: Y; Iowa Code § 614.1	2 years; Iowa Code §614.1(2)	M; Chown v. USM Corp., 297 N.W.2d 219 (Iowa 1980); Kleve v. General Motors Corp., 210 N.W.2d 568 (Iowa 1973); Iowa Civil jury Instructions, No. 1000.4 (Nov. 1988).	No.	Modified comparative; Iowa Code § 668.3.	No, but if the defendant is at least 50 percent at fault, then that defendant is jointly and severably liable for economic damages only (Iowa Code § 668.4).	NR.	Yes, AB; Moore v. Vanderloo, 386 N.W.2d 108, 117 (Iowa 1986).	AU	D; Iowa. R. Evid. 702; (a) was adopted from F.R.E. 702, (b) is unique in its express requirement; Hutchison v. American Family Mut. Ins. Co., 514 N.W.2d 882, 885 (Iowa 1994).	P; Iowa Code § 668A.1).	No; Iowa Code § 668A.1.
Kansas	2 years; K.S.A. § 60-513 DRR: Y SRR: Y; K.S.A. § 60-3303(a)(1).	2 years; K.S.A. § 60-513	CE; Barnes v. Vega Industries, Inc. 676 P.2d 761, 762 (Kan. 1984)	Innocent Seller Statute – K.S.A. § 60-3306	Modified Comparative Fault/50% Rule; K.S.A. § 60-258a	No; Brown v. Keill, 580 P.2d 867 (Kan. 1978).	Yes, SA; Savina v. Sterling Drug, Inc., 795 P.2d 915, 924 (Kan. 1990).	Yes, C; Savina v. Sterling Drug, Inc., 795 P.2d 915, 924 (Kan. 1990).	AU, though likely; Jenkins v. Amchem Products, Inc. 256 Kan. 602, 886 P.2d 869 (1994).	F; K.S.A. § 60-456. Frye is a qualification to the statute.	C; K.S.A. § 60-3702(c).	Yes; K.S.A. § 60-3701(e)
Kentucky	1 year; Ky. Rev. Stat. § 413.140(1)(e) DRR: Y SRR: Y; Ky. Rev. Stat. Ann. § 411.310	1 year; Ky. Rev. Stat. § 413.180	U; Stevens v. Keller Ladders, 1 Fed. Appx. 452, 2001 WL 45237 (6th Cir. 2001); Nichols v. Union Underwear Co., Inc., 602 S.W.2d 429, 433 (Ky. 1980)	Innocent Seller; Ky. Rev. Stat. § 411.340.	Pure comparative; Ky. Rev. Stat. § 411.182.	No; Ky. Rev. Stat. § 411.182.	Yes, SA; Larkin v. Pfizer, Inc., 153 S.W.3d 758, 765 (Ky. 2004).	Yes, unclear but probably AB; Larkin v. Pfizer, Inc., 153 S.W.3d 758, 761 (Ky. 2004).	Yes, unclear but probably AB; Larkin v. Pfizer, Inc., 153 S.W.3d 758, 762 (Ky. 2004).	D; Ky. R. Evid. 702 is identical to F.R.E. 702; Mitchell v. Commonwealth, 908 S.W.2d 100 (Ky. 1995).	C; Ky. Rev. Stat. § 411.184(2).	No; Ky. Const. § 54.
Louisiana	1 Year; La. CC Art. 3492	1 Year; LA. CC Art. 2315.2	La. Rev. Stat. §9:2800.51 et seq.	No	Yes; La. CC Art. 2323	No; La. CC Art. 2323	Yes. *Stahl v. Novartis Pharmaceutical*	AU. Not expressly adopted, but embodied within LPLA.	AU. Not expressly adopted, but embodied within	D; *State v. Foret*, 628 So.2d 1116 (La.1993)	No punitive damages because	N/A

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							s Corp., 283 F.3d 254 (5th Cir. 2002)		LPLA.		currently not authorized by statute. *Int'l Harvester Credit v. Seale*, 518 So.2d 1039 (La. 1988); La. Rev. Stat. Ann. § 9:2800.53 *et seq.*	
Maine	6 years; 14 Me. Rev. Stat. §752 DRR: Y SRR: N	2 years; 18-A Me. Rev. Stat. § 2-804(b);Application limited (maritime claims)	CE; Pinkham v. Cargill Inc., No.11-340 (Me. Decided Jul. 3 2012).	No.	Modified comparative (Me. Rev. Stat. Ann. tit. 14, § 156).	Yes; Me. Rev. Stat. Ann. tit. 14 § 156.	Yes; Tardy v. Eli Lilly & Co., 2004 Me. Super LEXIS 168.	Yes, C; Violette v. Smith & Nephew Dyonics, Inc., 62 F.3d 8, 13 n.3 (1st Cir. 1995).	C; Violette v. Smith & Nephew Dyonics, Inc., 62 F.3d 8, 13 n.3 (1st Cir. 1995).	D; Me. R. Evid. 702 is identical to Fed. R. Evid; State v. Williams, 388 A.2d 500 (Me.,1978).	C; Tuttle v. Raymond, 494 A.2d 1353, 58 ALR4th 859 (Me. 1985).	No.
Maryland	3 years; Md. Cts. & Jud. Proc. Code §§ 5-101 DRR: Y SRR: N	3 years; Md. Cts. & Jud. Proc. Code §§ 5-101	M: CE unless a product malfunctions, then RB; Halliday v. Sturm Ruger & Co., 368 Md. 186, 193-209, 792 A.2d 1145, 1149-59 (2002).	Innocent Seller; Md. Code Ann. [Cts. & Jud. Proc.] § 5-405	Contributory; Harrison v. Montgomery County Board of Education, 456 A.2d 894 (Md. 1983).	Yes; Md. Code Ann. Cts. & Jud. Proc., §§ 3-1402; 3-1406.	Yes, FDC; Miller v. Bristol-Meyers Squibb Co., 121 F. Supp. 2d 831, 838 (D. Md. 2000).	Yes, AB; Fellows v. USV Pharmaceutical Corp., 502 F.Supp. 297 (D. Md.1980).	AU	F; Reed v. State, 283 Md. 374, 391 A.2d 364, 97 A.L.R.3d 201 (1978); Md. Code Ann., Cts. & Jud. Proc. § 5-702 (2005).	C; Owens-Illinois, Inc. v. Zenobia, 601 A.2d 633 (Md. 1992).	No.
Massachusetts	3 years; M.G.L. c. 260, § 2A DRR: Y SRR: N	3 years; M.G.L. c. 229, § 2	Restatement 2d § 402A adopted in UCC; M.G.L. c. 106, §2-314 to 2-318; Comm. v. Johnson Insulation, 425 Mass. 650 (1997); Back v. Wickes, 375 Mass. 633 (1978); M.	No	Yes; modified comparative fault, but Court reduces damages by percentage of fault of Plaintiff and any settlement amounts. M.G.L. c. 231, § 85. Shantigar Found. v. Bear Mountain Builders, 441 Mass. 131 (2004).	Yes; each defendant is liable in full regardless of their relative degrees of fault. Shantigar Found. v. Bear Mountain Builders, 441 Mass. 131 (2004). Contribution allowed by statute: M.G.L. c. 231B, § 1;	Yes, SA; Cottam v. CVS Pharmacy, 436 Mass. 316 (2002); MacDonald v. Ortho Pharm. Co., 394 Mass. 131 (1985)	AU. No clear state authority, but *see* Payton v. Abbott Labs., 386 Mass. 540 (1982); Lareau v. Page, 840 F.Supp. 920 (D. Mass. 1993), aff'd, 39 F.3d 384 (1st Cir. 1994)	AU	D; Commonwealth v. Lanigan, 419 Mass. 15 (1994) and Canavan's Case, 432 Mass. 304 (2000) (accepting the "basic reasoning" of Daubert and Kuhmo Tire)	Only in wrongful death or unfair and deceptive acts and practices cases where authorized by statute: M.G.L. c. 229, § 2; M.G.L. c. 93A, § 9(3A)	n/a because punitive are only authorized by statute.
Michigan	3 Years; Mich. Comp. Laws Ann. §	Generally, same as period for	RB ; *Prentis v. Yale Mfr. Co.* 365 N.W.2d 176 (Mich.	Yes; see Mich. Comp. Laws Ann. §600.2947(6)	Yes; Mich. Comp. Laws Ann. § 600.2959	No; Several only. Mich. Comp. Laws Ann. § 600.2956 and 600.6304	Yes; *Brown v. Drake-Willock Intern, Ltd.*, 530	AU. Only authority available is *Smith v. E. R. Squibb & Son, Inc.*, 273 N.W.	Same	D. Mich. R. Evid. 702	Generally not available with statutory	N/A

STATE	SOL FOR DMD CASE (Product)[1]	SOL FOR DMD CASE (Wrongful Death)	PRODUCT LIABILITY STANDARD*	INNOCENT SELLER or CLOSED CONTAINER LAW RECOGNIZED?	COMPARATIVE FAULT BETWEEN PLAINTIFF AND DEFENDANT	JOINT AND SEVERAL LIABILITY BETWEEN DEFENDANTS	LEARNED INTERMEDIARY DOCTRINE RECOGNIZED?	COMMENT K RECOGNIZED FOR PHARMA?*	COMMENT K RECOGNIZED FOR DEVICES?*	EXPERT STANDARD*	PUNITIVES STANDARD*	STATUTORY PUNITIVES CAP*
	600.5805(10) and 600.5805(13); No Discovery Rule –M.C.L.A §600.5827	underlying theory of liability; *Waltz v. Wyse*, 469 Mich. 642, 677 N.W.2d 813 (2004)	1984)				N.W.2d 510, 516 (Mich. App. 1995) (citing Mich. Sup. Court adoption of doctrine and extending it to prescription devices)	2d 476, 458-486 (Mich. 1979) see also Mich. Comp. Laws Ann. §600.2947(5)			exceptions; *Gilbert v. DaimlerChrysler Corp.*, 685 N.W.2d 391, 400 (Mich. 2004)	
Minnesota	2 Years; Minn. Stat. Ann. §541.07	3 years; Minn. Stat. Ann. §573.02	Reasonable Care Balancing Test; *Westbrock v. Marshalltown Mfr. Co.*, 473 N.W.2d 352, 356 (Minn. 1991)	Yes; Minn. Stat. Ann. § 544.41	Yes; Modified comparative fault/ 50% rule; Minn. Stat. Ann. §604.01	Limited; M.S.A. §604.02; *See Stabb v. Diocese of St. Cloud*, 813 N.W. 2d 68 (Minn. 2012)	Yes; *Mulder v. Parke Davis & Co.*, 288 Minn. 332, 335-36, 181 N.W.2d 882, 885 (1970)	C; Not addressed by Minn. Sup. Court, *but see Kociemba v. G.D. Searle & Co.*, 680 F. Supp. 1293 (D. Minn. 1988)	Same	*Frye-Mack*; *Goeb v. Tharaldson*, 615 N.W.2d 800, 814 (Minn. 2000)	C; Minn. Stat. Ann. §549.20	None
Mississippi	3 Years; Miss Code Ann. § 15-1-49; (see latent injury rule) DRR:Y	3 Years; Miss Code Ann. § 15-1-49; (see latent injury rule)	Risk-Utility Miss Code Ann. § 11-1-63	Yes; Miss. Code Ann. § 11-1-63(h)	Yes; Pure Comparative Fault Miss Code Ann. §11-7-15	No; Several Only; Miss Code Ann. § 85-5-7(2)	Yes; *Janssen Pharmaceutica, Inc. v. Bailey*, 878 So. 2d 31 (Miss. 2004)	C; *Bennet v. Madakasira*, 821 So.2d 794, 809 (2002)	AU	D (modified) *Miss Transp. Comm'n v. McLemore,* 863 So.2d 31 (Miss. 2003); Miss. Rules of Evid. 702	C; Miss. Code Ann. §11-1-65(1)(a)	Varies; Miss. Code Ann. §11-1-65(3)(a)
Missouri	5 years; RSMo § 516.120 DRR: Y SRR: N	3 years; RSMo § 537.100	CE; Welkener v. Kirkwood Drug Store Co., 734 S.W.2d 233, 241 (Mo. App. 1987)	Innocent Seller Statute - RSMo § 537.762	Pure comparative; RSMo § 537.765).	Yes, though modified; RSMo § 537.067	Yes, SA; Doe v. Alpha Therapeutic Corp., 3 S.W.3d 404, 419-20 (Mo. App. 1999).	Yes, C; Pollard v. Ashby, 793 S.W.2d 394, 400 (Mo. App. 1990).	C; Racer v. Utterman, 629 S.W.2d 387, 393-94 (Mo. App. 1981).	RSMo § 490.065(1).	C; Rodriguez v. Suzuki Motor Corp., 936 S.W.2d 104, 110 (Mo. Banc 1996).	Yes. RSMo § 510.265
Montana	3 Years; Mont. Code Ann. § 27-2-204(1)	3 Years; Mont. Code Ann § 27-2-204(2)	CE; *McAlpine v. Rhone-Poulenc Ag Co.,* 16 P.3d 1054 (Mont. 2000) (quoting *Wise v. Ford Motor Co.,* 943 P.2d 1310, 1312 (Mont. 1997)).	No	Yes; Modified comparative fault/ 50% rule; Mont. Code Ann. § 27-1-702	Yes; Mont. Code Ann. § 27-1-703	Yes; *Stevens v. Novartis Pharm. Corp.*, 247 P. 3d 244 (Mont. 2010)	AU	AU	D; *State v. Clifford*; 121 P. 3d 489 (Mon. 2005)	C; Mont. Code Ann. § 27-1-221(5)	Lesser of $10 Million or 3% of defendant's net worth; Mont. Code Ann. § 27-1-220(3)
Nebraska	4 Years; Neb. Rev. Stat. Ann. § 25-224	2 Years; Neb. Rev. Stat. Ann.	CE; *Rahmig v. Mosley Machinery Co.*, 226 Neb. 423,	Yes; Neb. Rev. Stat. §25-21,181	Yes; Modified comparative fault/ 50% rule; Neb. Rev.	Yes (economic damages only, several for noneconomic);	Yes; *Freeman v. Hoffman-La Roche, Inc.*, 618	C; *Freeman v. Hoffman-La Roche, Inc.*, 618 N.W.2d 827 (Neb. 2000)	AU	D, *Schafersman v. Agland Coop,* 631 N.W.2d 862	Not available; *Distinctive Printing &*	N/A

STATE	SOL FOR DMD CASE (Product)[1]	SOL FOR DMD CASE (Wrongful Death)	PRODUCT LIABILITY STANDARD*	INNOCENT SELLER or CLOSED CONTAINER LAW RECOGNIZED?	COMPARATIVE FAULT BETWEEN PLAINTIFF AND DEFENDANT	JOINT AND SEVERAL LIABILITY BETWEEN DEFENDANTS	LEARNED INTERMEDIARY DOCTRINE RECOGNIZED?	COMMENT K RECOGNIZED FOR PHARMA?*	COMMENT K RECOGNIZED FOR DEVICES?*	EXPERT STANDARD*	PUNITIVES STANDARD*	STATUTORY PUNITIVES CAP*
		§ 30-810	439 (1987)		Stat. Ann. § 25-1,185.09	Neb. Rev. Stat. Ann. § 25-1,185.10	N.W.2d 827 (Neb. 2000)			(Neb. 2001)	*Packaging Co. v. Cox*, 443 N.W.2d 566 (Neb. 1989)	
Nevada	4 Years; Nev. Rev. Stat. Ann. § 11.220 (statute of limitations for actions not provided for in other sections)	2 Years; Nev. Rev. Stat. Ann. § 11.190(4)(e)	U	No	Yes; Modified comparative fault/ 50% rule; Nev. Rev. Stat. Ann. § 41.141(1)	No (with exceptions); Nev. Rev. Stat. Ann. § 41.141(4)	No; *Gennock v. Warner-Lambert Co.*, 208 F. Supp. 2d 1156, 1159 (D. Nev. 2002) (discussing *Allison v. Merck and Co., Inc.,* 110 Nev. 762, 878 P.2d 948 (1994))	No; rejected in *Allison v. Merck & Co., Inc*, 878 P.2d 948, 954 (Nev. 1994)	Same	U; *Krause Inc. v. Little*, 34 P.3d 566, 569 (Nev. 2001); Nev. Rev. Stat. Ann. §50.275	C; Nev. Rev. Stat. Ann. § 42.005(1)	Does not apply to products liability claims; Nev. Rev. Stat. Ann. § 42.005(2)
New Hampshire	3 Years; N.H. Rev. Stat. § 508:4 DRR: Y	6 Years; N.H. Rev. Stat. Ann. § 556:11	RB; *Price v. BIC Corp.*, 702 A.2d 330, 332 (N.H.	No	Yes; Modified comparative fault/ 50% rule; N.H. Rev. Stat. Ann. § 507:7-d	Yes; N.H. Rev. Stat. Ann. § 507:7-f	FC; *Brochu v. Ortho Pharmaceutical Corp.* 642 F2d 652, 656 (1981); nothing in state courts	AU	AU	D; *Baker Valley*, 813 A.2d 409, 415 (N.H. 2002)	Not available; N.H. Rev. Stat. Ann. § 507.16	N/A
New Jersey	2 Years; N.J. Stat. Ann. § 2A:14-2	2 Years; N.J. Stat. Ann. § 2A:31-3	Mixed; *Dewey v. R.J. Reynolds Tobacco Co.*, 577 A.2d 1239 (1990)	Yes; N.J. Stat. Ann. § 2A:58C-9	Yes; Modified comparative fault/ 50% rule; N.J. Stat. Ann. 2A:15-5.1	Yes for defendant with 60% or greater liability; N.J. Stat. Ann. 2A:15-5.3	Yes; *Niemiera v. Schneider,* 114 N.J. 550, 559, 555 A.2d 1112 (1989)	AU; See *Feldman v. Lederle Labs.*, 479 A. 2d 374 (N.J. 1984); see also N.J. Stat. Ann. 2A:58C-4	Same	F; *State v. Chun*, 943 A. 2d 114, 136 (N.J. 2008)	C (conduct must be more egregious than gross negligence); *Pavlova v. Mint Mgmt. Corp.*, 868 A.2d 322 (N.J. App. Div. 2005). N.J. Stat. Ann. 2A:15-5.12	Greater of 5 times compensatory or $300K; N.J. Stat. Ann. § 2A:15-5.14
New Mexico	3 Years from time of injury; N.M. Stat. Ann. § 37-1-8; No Statute of Repose	3 Years from time of injury; N.M. Stat. Ann. § 37-1-8	RB; NMRA, UJI 13-1407; *Bustos v. Hyundai Motor Co.*, 243 P.3d 440 (N.M. App. 2010)	No, Strict Liability; *Parker v. St. Vincent Hosp.*, 919 P.2d 1104 (N.M. App. 1996)	Yes; Pure Comparative; *Otero v. Jordan Restaurant Enterprises*, 922 P.2d 569 (N.M. 1996)	Several for all cases except strict liability; N.M. Stat. Ann. § 41-3A-1	Yes; SA; *Serna v. Roche Labs., Div. of Hoffman-LaRoche, Inc.*, 684 P.2d 1187,	AU; *Davila v. Bodelson*, 704 P.2d 1119, 1127 (N.M. App. 1985); *Perfetti v. McGahn Medical*, 662 P.2d 646, 650 (N.M. App. 1983)	AU; *Davila v. Bodelson*, 704 P.2d 1119, 1127 (N.M. App. 1985); *Perfetti v. McGahn Medical*, 662 P.2d 646, 650 (N.M. App. 1983)	D; *State v. Alberico*, 861 P.2d 192, 203 (N.M. 1993)	P; *United Nuclear Corp. v. Allendale Mutual Insurance Co.*, 709 P.2d 649 (N.M. 1985)	No limitation

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							1189 (N.M. Ct. App. 1984). *But see Rimbert v. Eli Lilly & Co.*, 577 F. Supp. 2d 1174, 1194 (D.N.M. 2008) (noting that New Mexico's highest court has not expressly adopted the learned intermediary doctrine).					
New York	3 years from date of injury; N.Y. C.P.L.R. §§ 214(5); No Statute of Repose	2 Years from decedent's death; N.Y. E.P.T.L. § 5-4.1	RB; 1 N.Y. PJI2d 138–139; *Voss v. Black & Decker Mfg. Co.,* 450 N.E.2d 204 (N.Y. App. 1983)	No, Strict Liability; *Suklijian v. Charles Ross & Son Co., Inc.,* 511 N.Y.S.2d 821 (N.Y. 1986); but implied right of indemnification for Seller; *Godoy v. Abamaster of Miami, Inc.*, 754 N.Y.S.2d 301, 306 (N.Y. App. Div. 2003)	Yes; Pure Comparative; N.Y. C.P.L.R. § 1411	Joint and Several with exception for Def. with < 50% fault only liable for non-economic losses; N.Y. C.P.L.R. §§ 1601; 1602(10)	Yes; SA; *Martin v. Hacker*, 628 N.E.2d 1308, 1311 (N.Y. Ct. App. 1993)	AB; *Samuels v. American Cyanamid Co.,* 495 N.Y.S.2d 1006, 1011 (N.Y. Sup. 1985)	AB; *Bravman v. Baxter Healthcare Corp.*, 984 F.2d 71, 76 (2d Cir. 1993)	F; *People v. Wesley*, 633 N.E.2d 451(N.Y. 1994); *Nonnon v. City of New York*, 32 A.D.3d 91 (N.Y.A.D. 1 Dept. 2006); *Marso v. Novak*, 42 A.D.3d 377, 840 N.Y.S.2d 53 (2007)	U; Appellate courts have not ruled on the issue while lower courts and federal district courts have split opinions. *See Randi A.J. v. Long Island Surgi-Center*, 842 N.Y.S.2d 558 (A.D. 2007); *Greenbaum v. Handlesbanken*, 26 F. Supp. 2d 649 (S.D.N.Y. 1998).	No limitation
North Carolina	3 years; N.C. Gen. Stat. §1-52(16); 12 year statute of repose under N.C. Gen. Stat.	2 years; N.C. Gen. Stat. §1-53(4)	N.C. Gen. Stat. §99B-1, et seq.	Yes, under certain circumstances N.C. Gen. Stat. §99B-2(a)	Pure contributory negligence; Plaintiff takes nothing if 1% at fault. *See* N.C. Gen. Stat. §99B-4(3).	Yes	Yes, FDC; *Baraukas v. Danek Med., Inc.*, No. 6:97CV00613, 2000 U.S. Dist.	AB; N.C. Gen. Stat. §99B-6(d).	AU; NC does not recognize strict liability in tort for product liability actions; N.C. Gen. Stat. §99B-1.1.	U; NC courts expressly rejected Daubert in *Howerton v. Arai Helmet*, Ltd., 358 N.C. 440,	C; N.C. Gen. Stat. §1D-15(b)	The greater of three times compensatory damages or $250,000; N.C. Gen. Stat. §1D-25(b)

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	§1-46.1						LEXIS 5122 (M.D.N.C. Jan. 13, 2000); N.C. Gen. Stat. §99B-5(c)			597 S.E.2d 674 (2004), but in 2011 the legislature modified Evidence Rule 702(a) to track the federal counterpart		
North Dakota	6 Years; N.D.C.C. § 28-01-16(5); 10 yr Repose, N.D.C.C. § 28-01.3-08, held unconstitutional in *Dickie v. Farmers Union Oil C. of LaMoure*, 611 N.W.2d 168 (N.D. 2000)	2 Years; N.D.C.C. § 28-01-18(4)	U; *Johnson v. American Motors Corp*. 225 N.W.2d 57, 66 (1974) (holding manufacturers and sellers of defective products that are unreasonably dangerous are subject to strict liability in tort when their products cause harm to users and consumers); *Edersen v. Scheels Hardware and Sports Shop, Inc.*, 560 N.W.2d 225, 234 (N.D. 1997) (applying risk-utility analysis in product liability action for handgun)	Yes, if seller is sued it may file affidavit certifying identity of manufacturer, and under certain circumstances, may be dismissed from the suit. N.D.C.C. § 28-01.3-04.	Modified Comparative; N.D.C.C. § 32-03.2-02	No, liability is several only (no joint liability unless multiple tortfeasors are acting in concert). N.D. C.C. § 32-03.2-02.	Yes (FC): *Ehlis v. Shire Richwood, Inc.* 367 F.3d 1013 (8th Cir. 2004).	AU: likely an affirmative defense rather than absolute immunity. *Ehlis v. Shire Richwood, Inc.* 233 F. Supp.2d 1189, 1192 (D.N.D. 2002), *aff'd* 367 F.3d 1013 (8th Cir. 2004).	AU	F; *See Fargo v. McLaughlin,* 512 N.W.2d 700 (N.D. 1994); *But see State v Hernandez*, 707 N.W.2d 449, 453 (N.D. 2005) (Crothers, J., concurring) (urging the adoption of Daubert); N.D.R.Ev. 702	C; N.D.C.C. § 32-03.2-11;	$250,000 or twice the amount of compensatory damages, whichever is greater; N.D.C.C. § 32-03.2-11
Ohio	2 Years; Ohio Rev. Code Ann. § 2305.10(A); 10 yr. Repose; Ohio Rev. Code Ann. § 2305.10(C)(1)	2 Years; Ohio Rev. Code Ann. § 2125.02	M; Pre -2005 claims abrogated by requirements of Ohio Rev. Code Ann. § 2307.73	Yes, in certain cases. Supplier liability is imposed only if certain circumstances are met where the manufacturer cannot be held	Modified Comparative; Fault of the plaintiff does not bar action so long as plaintiff's negligence is not greater than the negligence of the defendants, including others not	Joint and Several for defendants 50% or more at fault; Ohio Rev. Code Ann. § 2307.22(A)(1)	Yes (SA); *Vaccariello v. Smith & Nephew Richards, Inc.* 763 N.E.2d 160, 164 (Ohio 2002); Ohio Rev. Code Ann. § 2307.76	AB; Ohio Rev. Code Ann. § 2307.75(D)	AB; Ohio Rev. Code Ann. § 2307.75(D)	D has been cited by the Ohio Supreme Court; *Miller v. Bike Athletic Co.*, 512 N.W.2d 700 (Ohio 1998)	C; Ohio Rev. Code § 2315.21; Devices/Drugs approved and licensed by the FDA are immune from punitive damages	Punitive damages cannot exceed two times the amount of the compensatory damages; Ohio Rev. Code Ann. § 2315.21(D)(2)(a).

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				liable. *See* Ohio Rev. Code Ann. § 2307.78; *Dobbelaere v. Cosco, Inc.*, 120 Ohio App. 3d 232, 245, 697 N.E.2d 1016, 1024 (1997).	parties to the action. Ohio Rev. Code Ann. § 2315.33.							
Oklahoma	2 Years; Okla. Stat. Ann. tit. 12, § 95	2 Years; Okla. Stat. Ann. tit. 12, § 1053	CE; *Kirkland v. General Motors Corp.*, 521 P.2d 1353, 1362-63 (Okla. 1974)	No innocent seller; Closed Container raises presumption that defect in product was present when it left manufacturer; *Santine v. Coca-Cola Bottling Co.* 591 P.2d 329, 334 (1978).	Modified Comparative; Okla. Stat. Ann. tit. 23, § 13	Joint and Several; Okla. Stat. Ann. tit. 12, § 832	Yes (SA); *McKee v. Moore*, 648 P.2d 21, 24 (Okla. 1982)	Yes; *Tansy v. Dacomed Corp.*,890 P.2d 881 (Okla. 1994).	C; available only if (1) properly manufactured/warning labels (2) benefits justify risks (3) incapable of being made more safe; *Tansy v. Dacomed Corp.*,890 P.2d 881 (Okla. 1994).	D and Kumho Tires; *Christian v. Gray, et al.*, 65 P.3d 591 (Okla. 2003); *Cline v. Daimler Chrysler Co.*, 114 P.3d 468	Preponderance of evidence, but must show conduct warranting punitive damages by clear and convincing evidence; *Am. Nat'l Bank & Trust Co. of Supulpa v. BIC Corp*, 880 P.2d 420, 426 (Okl. App. Ct. 1994); Okla. Stat. Ann. tit. 23, § 9.1	Reckless: greater of $100,00 or amount of actual damages Intentional/Malice: greater of $500,000 or twice actual damages or D's increase in financial benefit; Okla. Stat. Ann. tit. 23, § 9.1
Oregon	2 Years; ORS § 30.905; statute of repose 10 Years; ORS § 30.905	3 Years; 3 Years; O.R.S. § 30.905(4)	CE; *Burns v. General Motors Corp.*, 891 P.2d 1354 (Or. Ct. App. 1995)	No; ORS § 30.920	Modified Comparative; ORS § 31.600	Several only; ORS §§ 31.610 and 31.805(1)	U; *See Allen v. G.D. Searle & Co.*, 708 F. Supp. 1142, 1147 (D. Or. 1989); *But see Griffith v. Blatt*, 51 P.3d 1256 (Or. 2002).	AU; Oregon Supreme Court implied comment k's application is on a case by case basis. *See Senn v. Merrell-Dow Pharmaceuticals*, Inc., 751 P.2d 215, 218 n.4 (Or. 1988) (citing *Toner v. Lederle Labs.*, 112 Idaho 328, 339, 732 P.2d 297 (1987)).	C; Comment k is an affirmative defense and defendant must prove it applies. *Coursen v. A.H. Robins Co.*, 764 F.2d 1329, 1338 (9th Cir. 1985), *corrected*, 772 F.3d 1049 (9th Cir. 1985).	Similar to D; *State v. Brown*, 687 P. 2d 751 (Or. 1984)	C; ORS § 31.730	No limitation
Pennsylvania	2 Years; 42 Pa. C.S. § 5524	2 Years; 42 Pa. C.S. § 5524	U; follows Restatement (2d) Torts § 402(A)	No; *But see Moscatiello v. Pittsburgh Contractors Equip. Co.*, 595	Modified Comparative; 42 Pa.S.C. § 7102(a).	Several only; 42 Pa.S.C. § 7102(a.1)(2); joint and several applies only under circumstances listed in 42 Pa.S.C. §	Yes; *Taurino v. Ellen*, 579 A.2d 925 (Pa. Super. 1990)	SLO; *Hahn v. Richter*, 673 A.2d 888 (Pa. 1996)	SLO; *Creazzo v. Medtronic, Inc.*, 903 A.2d 24 (Pa. Super. 2006)	F; *Grady v. Frito-Lay, Inc.*, 839 A.2d 1038 (Pa. 2003)	P	No limitation

STATE	SOL FOR DMD CASE (Product)[1]	SOL FOR DMD CASE (Wrongful Death)	PRODUCT LIABILITY STANDARD*	INNOCENT SELLER or CLOSED CONTAINER LAW RECOGNIZED?	COMPARATIVE FAULT BETWEEN PLAINTIFF AND DEFENDANT	JOINT AND SEVERAL LIABILITY BETWEEN DEFENDANTS	LEARNED INTERMEDIARY DOCTRINE RECOGNIZED?	COMMENT K RECOGNIZED FOR PHARMA?*	COMMENT K RECOGNIZED FOR DEVICES?*	EXPERT STANDARD*	PUNITIVES STANDARD*	STATUTORY PUNITIVES CAP*
				A.2d 1190, 1197 (1991) (recognizing indemnidfication).		7102(a.1)(3).						
Rhode Island	3 Years; R.I.G.L. § 9-1-14(b); 10 year statute of repose declared unconstitutional in *Kennedy v. Cumberland Eng'g Co.*, Inc., 471 A.2d 195 (R.I. 1984).	3 Years; R.I.G.L. § 10-7-2	CE; *Castrignano v. E.R. Squibb & Sons, Inc.*, 546 A.2d 775 (R.I. 1988)	No	Pure Comparative; R.I.G.L. § 9-20-4	Joint and Several; R.I.G.L. §10-6-2	U; Rhode Island has neither expressly adopted nor rejected the learned intermediary doctrine. *In re Zyprexa Products Liab. Litig.*, 277 F.R.D. 243, 250 (E.D.N.Y. 2011) (applying Rhode Island law and holding that it is "highly likely" Rhode Island courts would adopt the doctrine).	C for defective design in pharma cases; *Castrignano v. E.R. Squibb & Sons, Inc.*, 546 A.2d 775 (R.I. 1988)	AU	Elements of both D and F; *State v. Dery*, 545 A.2d 1014 (R.I. 1988); *DePetrillo v. Dow Chem. Co.*, 729 A.2d 677 (R.I. 1999)	P; Rhode Island has not adopted any standard as it relates to punitive damages claims. *Dodson v. Ford Motor Co.*, 2006 WL 2642199, at *9 (R.I. Super. Sept. 5, 2006) (applying traditional civil standard of preponderance of the evidence in products liability action).	No limitation
South Carolina	3 years; SC Code Ann. § 15-3-530	3 years; SC Code Ann. § 15-3-530(6)	RB; Branham v. Ford, 701 S.E.2d 5 (2010)	No	Modified comparative; Plaintiff's negligence will not bar recovery as long as it is not greater than the negligence of the defendant(s). *Nelson v. Concrete Supply Co.,* 303 S.C. 243, 245, 399 S.E.2d 783, 784 (1991).	The jury allocates fault between the parties, and a defendant can be held jointly and severally liable only if he is fifty percent or more at fault for the plaintiff's injuries. S.C. Code Ann. § 15-38-15.	Yes; FC; *Brooks v. Medtronic*, 750 F.2d 1227 (4th Cir. 1984)	AB; *Brooks v. Medtronic*, 750 F.2d 1227, 1230-31 (4th Cir. 1984)	AB; *Brooks v. Medtronic*, 750 F.2d 1227 (4th Cir. 1984); AU	U; SC has rejected Daubert but adopted a standard similar to Daubert. *See State v. Council*, 335 S.C. 1, 20, 515 S.E.2d 508, 518 (1999)	C; S.C. Code Ann. § 15-33-135	No limitation
South Dakota	3 years; S.D. Codified Laws § 15-2-12.2; Y(DR); N (SOR)	3 years; S.D. Codified Laws § 21-	CE; U on RB Robinson v. Brandtjen & Kluge, Inc., 500 F.3d 691,	No	Yes; S.D. Codified Laws § 20-9-2 ; Plaintiff can only recover if his/her	Yes; S.D. Codified Laws § 15-8	NA; but see McElhaney v. Eli Lilly & Co. 575 F. Supp.	NA; but see McElhaney v. Eli Lilly & Co. 575 F. Supp. 228 (D.S.D. 1983)	AU	Daubert; Burley v. Kytec Innovative Sports Equip., Inc. 737	C; Flockhart v. Wyant, 467 N.W.2d 473 (S.D. 1991)	None; S.D. Codified Laws § 21-3-2

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		5-3	696 n.2 (8th Cir. 2007)		fault is slight.		228 (D.S.D. 1983)			N.W.2d 397, 402-03 (S.D. 2007)		
Tennessee	1 year if results in wrongful death or personal injury	Same	M; *Brown v. Crown Equip.* Corp., 181 S.W.3d 268 (Tenn. 2005).	Yes; seller immune from suit with certain exceptions; Tenn. Code Ann. §29-28-106	Yes; modified comparative fault; Plaintiff takes nothing if 50% or more at fault. *McIntyre v. Balentine*, 833 S.W.2d 52 (Tenn. 1992).	No, with exceptions for tortfeasors acting in concert, failing to perform common duty, family purpose doctrine, master/servant relationship.	Yes; SA; *Pittman v. Upjohn Co.*, 890 S.W.2d 425 (Tenn. 1994)	Yes; *Pittman v. Upjohn Co.*, 890 S.W.2d 425 (Tenn. 1994)	Yes; *Harwell v. Amer. Med. Systems, Inc.*, 803 F. Supp. 1287 (M. D. Tenn. 1992)	Relies on Daubert to come up with similar standard; *McDaniel v. CSX*, 955 S.W.2d 257 (Tenn. 1997)	C; Tenn. Code Ann. §29-39-104; *S.C. Hodges v. Toof*, 833 S.W.2d 896 (Tenn. 1992)	Yes, Tenn. Code Ann. §29-39-104
Texas	2 years; Tex. Civ. Prac. & Rem. Code Ann. § 16.003; 15yr SOR; Tex. Civ. Prac & Rem. Code Ann. § 16.012	2 years; Tex. Civ. Prac. & Rem. Code Ann. § 16.003	M; Coleman v. Cintas Sales Corp., 40 S.W.3d 544 (Ct. App. Tex. 2001)	Yes innocent seller; Owens & Minor, Inc. v. Ansell Healthcare Products, Inc., 251 S.W.3d 481 (Tex. 2008); Tex. Civ. Prac. & Rem. Code Ann. § 82.002	Yes; modified comparative fault; Plaintiff takes nothing more than 50% at fault; Tex. Civ. Prac. & Rem. Code Ann. § 33.001	Yes; Tex. Civ. Prac. & Rem. Code Ann. § 33.013	SA; Alm v. Aluminum Co., 717 S.W.2d 588 (Tex. 1986); Centocor, Inc. v. Hamilton, 372 S.W.3d 140 (Tex. 2012)	Yes; Hackett v. G.D. Searle & Co., 246 F. Supp. 2d 591 (W.D.Tex. 2002)	AU	D; E.I. du Pont de Nemours& Co., Inc. v. C.R. Robinson, 923 S.W.2d 549 (Tex. 1995)	C; Tex. Civ. Prac. & Rem. Code Ann. § 41.003	Yes; Tex. Civ. Prac. & Rem. Code Ann. § 41.008
Utah	2 years Utah Code Ann. § 78B-6-706; Y(DR); N(SOR)	2 years; Utah Code Ann. § 78B-2-304(2)	CE; Niemela v. Imperial Mfg., Inc., 263 P.3d 1191 (Utah Ct. App. 2011)	No	Yes; modified comparative fault; Plaintiff takes nothing if 50% or more at fault; Utah Code Ann § 78B-5-818	No; Utah Code Ann § 78B-5-820	Yes; Schaerrer v. Stewart's Plaza Pharmacy, Inc., 79 P.3d 922 (Utah 2003)	Yes; Grundberg v. Upjohn Co., 813 P.2d 89 (Utah 1991) (no design defect claims)	AU	U; similar to Daubert; State v. Crosby, 927 P.2d 638 (Utah 1996)	C; Utah Code Ann § 78B-8-201; §78B-8-203 (drug exception to punitives)	None
Vermont	3 years; Vt. Stat. Ann. tit. 12, § 512(4) (2002)	3 years; Vt. Stat. Ann. tit. 12, § 512(4) (2002)	Follows §402A Restatement (2d) of Torts; *Farnham v. Bombardier, Inc.*, 640 A.2d 47 (1994)	Y, *Windsor School Dist. v. State*, 956 A.2d 528 (Vt. 2008) (indemnification)	Yes; modified; Vt. Stat. Ann. tit. 12, § 1036 (2002)	No, each defendant liable for his proportion of damages in ration to amount of causal negligence; Vt. Stat. Ann. Tit. 12, § 1036 (2002).	Not addressed; see *Kellogg v. Wyeth*, 762 F. Supp 2d 694, 700 (D. Vt. 2010).	Not addressed	Not addressed	*Daubert*, *State v. Brooks*, 643 A.2d 226, 229 (Vt. 1993)	U; *But See McCormick v. McCormick*, 621 A.2d 238 (Vt. 1993)	No
Virginia	2 years; Va. Code § 8.01-234	2 years; Va. Code § 8.01-234	Does not recognize SL, *Sensenbrenner v. Rust, Orling & Neale*, 374 S.E.2d 55, 57 n.4 (Va. 1988); *Garrett v.*	No.	No comparative, but contributory negligence is complete bar, *Litchford v. Hancock*, 232 Va.	Modified, Va. Code § 8.01-35.1	Yes, *Pfizer v. Jones*, 272 S.E.2d 43 (1980).	No; *Abbot v. American Cyanamid Co.*, 844 F.2d 1108, 1115 (4th Cir. 1988).	No.	Neither, *Spencer v. Commonwealth,* 393 S.E.2d 609 (Va. 1990)	P, *Wallen v. Allen,* 343 S.E.2d 73 (Va. 1986)	$350,000, Va. Code § 8.01-38.1

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			I.R. Witzer Co., Inc., 258 Va. 264, 518 S.E.2d 635 (1999) (negligence and warranty)		496, 499, 352 S.E.2d 335, 337 (1987)							
Washington	3 years; Wash. Rev. Code § 7.72.060(3). Y.	Same	CE, Wash. Rev. Code § 7.72.030(3).	Yes, *Zamora v. Mobil Corp.*, 704 P.2d 584 (Wash. 1985).	Modified, Wash. Rev. Code § 4.22.070(1).	Modified, Wash. Rev. Code § 4.22.070(1).	Yes, *Terhune v. A.H. Robins Co.*, 577 P.2d 975, 979 (Wash. 1978)	*Young v. Key Pharmaceuticals*, Inc., 922 P.2d 59, 63 (Wash. 1996).	AB, *Transue v. Aesthetec Corp.*, 341 F.3d 911, 916 (9th Cir. 2003).	Frye, *State v. Gregory,* 147 P.3d 1201, 1238 (Wash. 2006).	Not allowed, *Sofie v. Fireboard Corp.*, 771 P.2d 711, 726 (Wash. 1989)	N/A
West Virginia	2 Years; W. Va. Code Ann. § 55-2-12; Y (DR); N (SOR).	2 years of the date of death; W. Va. Code Ann. § 55-2-12.	RB; *Morningstar v. Black & Decker Mfg. Co.*, 253 S.E.2d 666, 667 (1979).	No Innocent Seller: *Dunn v. Kanawha County Bd. of Educ.*, 459 S.E.2d 151, 157 (W. Va. 1995). No Sealed Container defense.	Yes; modified comparative fault; Plaintiff takes nothing if 50% or more at fault; *Bradley v. Appalachian Power Co.*, 256 S.E.2d 879, 885 (W. Va. 1979).	Yes; *Kodym v. Frazier*, 412 S.E.2d 219, 222 (W.Va. 1991).	No; *State ex rel. Johnson & Johnson Corp. v. Karl*, 647 S.E.2d 899, 914 (2007).	C; WV Supreme Ct has not adopted cmt. k, but federal courts assume WV courts would adopt it; *Rohrbough v. Wyeth Laboratories, Inc.*, 719 F. Supp. 470, 476-77 (N.D.W. Va. 1989).	C; WV Supreme Ct has not adopted cmt. k, but federal courts assume WV courts would adopt it; *Rohrbough v. Wyeth Laboratories, Inc.*, 719 F. Supp. 470, 476-77 (N.D.W. Va. 1989).	D; *Wilt v. Buracker*, 443 S.E.2d 196, 203 (W. Va. 1993).	P; *Goodwin v. Thomas*, 403 S.E.2d 13 (1991).	None. *TXO Prod. Corp. v. Alliance Resources Group*, 419 S. E. 2d 870, 889 (W. Va. 1992).
Wisconsin	3 years; Wis. Stat. § 893.54; Y (DR); Y (SOR) §895.047(5).	3 years; Wis. Stat. § 893.54.	CE, *Green v. Smith & Nephew, AHP, Inc.*, 629 N.W.2d 727, 743 (Wis. 2001)	Yes, Sealed Container defense; Wis. Stat. §895.047(3)(e).	Yes; modified comparative fault; Plaintiff takes nothing if more than 50% at fault; Wis. Stat § 895.045(1).	Yes; *Fuchsgruber v. Custom Accessories, Inc.*, 628 N.W.2d 833, 841 (Wis. 2001).	No; *Forst v. SmithKline Beecham Corp.*, 602 F. Supp. 2d 960, 968 (E.D.Wis. 2009).	Not recognized; *Collins v. Eli Lilly & Co.*, 342 N.W.2d 37, 52 (Wis. 1984).	Not recognized; *Collins v. Eli Lilly & Co.*, 342 N.W.2d 37, 52 (Wis. 1984).	U; Rejects both Daubert and Frye: *State v. Peters*, 534 N.W.2d 867, 872 (Wis. Ct. App. 1995) *rejected on other grounds, State v. Davis*, 645 N.W.2d 913 (Wis. 2002).	C; *Wangen v. Ford Motor Co.*, 294 N.W.2d 437 (Wis. 1980).	Twice the amount of compensatory damages, or $200k, whichever is greater; Wis. Stat. §895.043.
Wyoming	4 years; Wyo. Stat. § 1-3-105(a)(iv)(C); Y(DR); N (SOR).	2 years; Wyo. Stat. § 1-38-102(d).	CE, *Ogle v. Caterpillar Tractor Co.*, 716 P.2d 334, 345 (Wyo. 1986).	No.	Yes; modified comparative fault; Plaintiff takes nothing if more than 50% at fault. Wis. Stat. §1-1-109(b).	No; Wyo. Stat. §1-1-109(e).	Yes; *Jacobs v. Dista Products Co.*, 693 F. Supp. 1029 (D. Wyo. 1988)	AB; *Jacobs v. Dista Products Co.*, 693 F. Supp. 1029, 1031 (D. Wyo. 1988)	AB; *Jacobs v. Dista Products Co.*, 693 F. Supp. 1029, 1031 (D. Wyo. 1988)	D; *Bunting v. Jamieson,* 984 P.2d 467, 470 (Wyo. 1999).	P; *McCulloh v. Drake*, 24 P. 3d 1162 (Wyo. 2001).	None; Wyo. Const. Art. 10 § 4, "No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person."

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	Discovery Rule Recognized? Y or N Statute of Repose Recognized? Y or N		*CE = Consumer Expectation; RB = Risk/Benefit; M = Mixed; U = Unclear				*SA = State Appellate Decision; FC = Federal Circuit Decision; FDC = Federal District Court Decision; S = Split; NA = No Authority; NR = Not Recognized		*AB = Across the Board; C = Case By Case; SLO = Applies to Strict Liability only; ND = Applies to Negligent Design; AU = application unclear	*D = Daubert; F = Frye; U = Unclear	C = Clear and Convincing P = Preponderance U=Unclear	*The information in this column is limited to statutory caps that would be applicable to DMD cases, and excludes analysis of constitutional constraints created by case law or other statutory caps

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