

NOTICE: This standard has either been superseded and replaced by a new version or discontinued.  
Contact ASTM International (www.astm.org) for the latest information.



Designation: E 1138 - 89

AMERICAN SOCIETY FOR TESTING AND MATERIALS  
1916 Race St., Philadelphia, Pa. 19103  
Reprinted from the Annual Book of ASTM Standards, Copyright ASTM  
If not listed in the current combined index, will appear in the next edition.

## Standard Terminology of Technical Aspects of Products Liability Litigation<sup>1</sup>

### 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.

<sup>1</sup> 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.

Current edition approved Dec. 7, 1989. Published February 1990. Originally published as E 1138 - 87. Last previous edition E 1138 - 88.

*The American Society for Testing and Materials takes no position respecting the validity of any patent rights asserted in connection with any item mentioned in this standard. Users of this standard are expressly advised that determination of the validity of any such patent rights, and the risk of infringement of such rights, are entirely their own responsibility.*

*This standard is subject to revision at any time by the responsible technical committee and must be reviewed every five years and if not revised, either reapproved or withdrawn. Your comments are invited either for revision of this standard or for additional standards and should be addressed to ASTM Headquarters. Your comments will receive careful consideration at a meeting of the responsible technical committee, which you may attend. If you feel that your comments have not received a fair hearing you should make your views known to the ASTM Committee on Standards, 1916 Race St., Philadelphia, PA 19103.*