A CONSUMER’S RECOVERY OF DAMAGES FOR LOST PERSONAL TIME: HAS THE G.M. IGNITION SWITCH LITIGATION IGGITED A PARADIGM SHIFT?

A RECUPERAÇÃO DE DANOS DE UM CONSUMIDOR PELO TEMPO PESSOAL PERDIDO: O LITÍGIO SOBRE O INTERRUPTOR DE IGNIÇÃO DA G.M. CAUSOU UMA MUDANÇA DE PARADIGMA?

MICHAEL W. PINSOF
mpinsof@sbcglobal.net

ÁREA DO DIREITO: Consumidor

ABSTRACT: The article provides an analysis of the case of G.M.'s ignition switch failure and its impact on consumer rights protection from the perspective of consumers' personal time loss.

KEYWORDS: Consumer Law – Loss of personal time – Redress.


I. INTRODUCTION

Over two centuries ago, Benjamin Franklin recognized the intrinsic value of one's time, when he observed that, “lost time is never found again”1. How many countless hours of our precious free time have we spent reacting to data breaches, complying

1. Poor Richards Almanack, 1747.
world have agreed to set aside multi-million dollar pools of cash for consumers to claim compensation for their lost personal time in class actions, without providing any supporting documentation, rather than litigate their standing to assert such claims. Have corporate bean-counters made a business decision to do so based upon a cost-benefit analysis? Alternatively, have corporate counsel for class action defendants held their collective finger in the air and sensed a wind shift toward awarding damages for lost personal time, and made a legal decision to refrain from challenges to the sufficiency of their claims. Only time will tell.

References
UNITED STATES EIGHTH CIRCUIT. 925 F.3d 955 (8th Cir., 2019).
Michael W. Pinsof,

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