

December 15, 2003

Trial Report

Man Died In Automobile Accident Family Blamed Design Of Car's Roof

\$1 Million Settlement; Confidential Settlement

The family of a man who died in an accident with a truck sued the trucking company for negligence and the manufacturer of his automobile for products liability.

On April 1, 1999 the man was driving his four-door passenger vehicle on Interstate 40 outside Crossville, Tenn. His wife and son were with him.

A tractor-trailer owned by ABC Trucking side-swiped his car, causing it to enter the grassy median and roll two times. The man suffered a head injury and died. His son, a front seat passenger, walked away with no medical care needed. His wife, in the back seat, suffered non-debilitating injuries.

The plaintiffs claimed that a defective design of the roof's structure enhanced the man's injuries and caused his death. They said inadequate roof structure strength caused the roof over the driver's compartment to collapse, allowing the husband's head to get outside the occupant compartment and become trapped between the ground and the exterior of the car during the rollover.

The plaintiffs reached a \$1,002,500 settlement with the trucking company before trial. On the fourth day of trial, a confidential settlement was reached with the auto manufacturer.

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Type of Action: Products liability

Type of Injuries: Death, personal injuries

Court/Case No./Date: Jackson County Circuit Court/Confidential/August 2003

Caption: *Doe, et al. v. ABC Trucking, et al.*

Judge, Jury or ADR: Jury

Name of Judge: N/A

Special Damages: \$821,608 lost wages

Verdict or Settlement: \$1,002,500 settlement with trucking company; confidential settlement with auto manufacturer

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorneys for Plaintiffs: Scott S. Bethune and Randall W. Brown, Davis, Bethune & Jones, Kansas City; Matthew M. Mocherman, Bradshaw, Steele, Cochran & Berens, Cape Girardeau

Insurance Carrier: Not disclosed

Plaintiff's Experts: Joseph Burton, Alpharetta, Ga. (biomechanics, injury mechanism); Stephen Forrest, Goleta, Calif. (roof design); Bernard Pettingill, West Palm Beach, Fla. (economist); Jerry Wallingford, San Antonio, Texas (accident reconstruction)

Defendant's Experts: Gary Bahling, Metamora, Mich. (roof design); Geoff Germane, Orem, Utah (accident reconstruction); Edward Moffatt, Orinda, Calif. (biomechanics, injury mechanism); Michelle Vogler, Novi, Mich. (statistician)

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