

Daily Journal

www.dailyjournal.com

FRIDAY, NOVEMBER 18, 2011

Plaintiffs in Ford rollover suit win year's biggest auto liability case

Automaker failed to notify customers about defective tires, plaintiffs alleged

By Emily Green

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SACRAMENTO — Plaintiffs who brought a car rollover lawsuit against Ford Motor Co. saw their high-stakes gamble pay off to the tune of \$73 million.

Attorney Roger A. Dreyer rejected a last-minute settlement offer from Ford three days into jury deliberations, telling the auto company the time for settling had long passed. Two days later, a Sacramento County jury found Ford liable for a 2004 van wreck in what may be the largest verdict in an auto products liability case this year.

Dreyer, of Dreyer Babich Buccola Wood, LLP, represented the plaintiffs, along with Christine Spagnoli of Greene, Broillet & Wheeler, LLP and William Callaham of Wilcoxon Callaham, LLP.

In a 10-2 vote, the jury found Ford negligent in the April 9, 2004 accident that killed two members of the Fair Oaks Presbyterian Church and injured two other passengers. They were on their way home from a statewide musical tour when the van began to shake. The driver, William Brownell, 48, unsuccessfully

attempted to gain control of the vehicle before it rolled over four times, killing him and Tony Mauro, 41.

The accident stemmed from a tread separation in a defective rear tire, a problem Dreyer said Goodyear Tire & Rubber Co. notified Ford about two years prior. Goodyear had asked the auto company to provide information so it could notify the vans' owners, but Ford never independently took steps to alert its customers or dealers of the problem. That inaction, Dreyer said, was the "proverbial nail in the coffin."

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— Roger A. Dreyer

"It's a very powerful verdict. When you have information that deals with people's safety, you need to share it," he said.

The jury award included \$17.5 million in compensatory damages to Mauro's family; \$5.2 million to Marlene Shirley, who suffered severe abdominal injuries; and \$292,000 to Alexander Bessonov, who suffered lacerations. The \$50 million in punitive damages is to be split among the three, although the judge holds discretion to reduce that award.

Brownell's family settled with

Ford in September, before the trial started, for \$1 million. The auto company never offered that amount of money to Mauro's family or to the other victims, Dreyer said.

During the trial, Ford put on the stand just four expert witnesses, who testified that the victims' injuries were caused by the fact that they weren't properly wearing their seat belts — an assertion Mauro's attorneys disputed and said wouldn't have made a difference because of the severity of the accident.

Spagnoli said she believes jurors were swayed by the fact that Ford notified customers about defects in Firestone tires in 2000 but not the Goodyear tires.

"They had no good explanation" for the discrepancy, Spagnoli said. "They left that question unanswered. And I think that's why the jury was very concerned about Ford's approach in this case."

In a statement, Ford said it isn't legally bound to notify customers or its dealers about the defective tires.

"This excessive verdict was based on the flawed theory that Ford had a legal duty to recall an aftermarket tire that the company did not even sell," the auto company said in a statement. "Ford E-Series vans are as safe or safer than other vehicles on the road, based on federal crash statistics, including during tire-failure events. Ford did not receive a fair trial and plans to appeal this verdict."

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