



Family's suit calls booster seat unsafe

PRODUCT: Their son was paralyzed in a La Quinta wreck. Defendants include the maker, Cosco.

04/29/2003

By **DIANE CARMONY**
THE PRESS-ENTERPRISE

An Indio family has filed a lawsuit against the manufacturer of a car booster seat, alleging defective design contributed to the injuries their child received in a car crash.

The suit, filed last week in Riverside County Superior Court in Indio, maintains that Cosco Inc. knew its product, the Grand Explorer Shield Booster Car Seat, would not adequately protect children from serious injury or death. It alleges the company continued to distribute the car booster seat despite mounting evidence of the problems.

A spokeswoman for the company defended the product, which has been the target of similar lawsuits in recent years. Sheila Hershow, the spokeswoman, said a number of children are killed each year in car accidents despite the use of car seats, but the Grand Explorer has a better record than many other car booster seats. The Grand Explorer seat costs about \$20. About 10 million Grand Explorer and Explorer car seats have been sold.

The Indio suit, which does not ask for specified damages, was filed on behalf of Isaiah Rapan, who was injured Sept. 27 in a wreck when he was 2. In that accident, Isaiah and his brother, 4-year-old Jesse III, were passengers in a 1986 Jeep Cherokee driven by their father, Jesse Rapan Jr. Their car was hit by a 1987 Chevy S10 truck at the intersection of Monroe Street and Avenue 54 in La Quinta.

The father and the older boy were uninjured but Isaiah, who was strapped into the car seat, was found unconscious. He was taken to Desert Regional Medical Center in Palm Springs and then to Loma Linda University Children's Hospital in Loma Linda where he remained in a coma for a month.

"He has a spinal cord injury, which has left him a ventilator-dependent quadriplegic," according to Christine Spagnoli, the attorney representing the family. She said the boy came home about a month ago. "He is going to need around-the-clock care."

Hershow declined to comment on this case, which also names as defendants Cosco's parent companies, Dorel U. S. A. Inc and Dorel Industries Inc., Wal-Mart stores and the driver and owner of the truck involved in the accident. But, she said, "the company can certainly support the safety and effectiveness of the Cosco Shield Booster."

The booster seat has consistently passed tests by the National Highway Transportation Safety Administration, she said. In addition, the company has commissioned its own tests on the booster seat and found it effective in preventing injuries and fatalities.

Critics say the booster seat, which uses a padded shield across the chest instead of a shoulder harness, allows too much movement of the child's head and neck during an accident. A number of groups, including the American Academy of Pediatrics, have said the booster seat should not be used for children weighing less than pounds.

Spagnoli said there should be a nationwide recall of Cosco Grand Explorer Booster Car Seat and its older version, the Cosco Explorer.

Tests commissioned by the company, which also produces shoulder-harness safety seats, show an acceptable degree of head movement during a crash, Hershow said.

Hershow said she did not know how many cases against the company have been settled out of court or are pending. She said the two cases that have reached the court level were found in favor of the company.

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