



## The Voice

### And The Defense Wins

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#### Robert W. Maxwell and Carl J. Giffin, Jr.



A state court judge in Covington, Louisiana, entered a directed verdict for Ford Motor Company on May 6, 2015, after plaintiffs rested their case on the third day of trial. Ford was represented by DRI members [Robert W. Maxwell](#) and [Carl J. Giffin, Jr.](#) of **Bernard, Cassisa, Elliott & Davis** in Covington, Louisiana.

The accident occurred in 2006 on a state highway. A 1997 Chevrolet 1500 driven by plaintiff, Marjorie Huffman, was stopped to make a left turn when it was rear-ended by a 2001 Ford F-150 operated by Robert Patten. The F-150 was traveling at approximately 40 miles per hour when it struck Huffman's pickup and pushed it into the path of a Honda SUV, resulting in a frontal collision. Huffman sustained multiple lower extremities fractures resulting in numerous operations and continued problems nine years after the accident.

Plaintiffs (and co-defendant Patten) claimed the accident was caused by an almost complete failure of the F-150's brakes when he attempted to stop. Patten further alleged the F-150's cruise control failed to disengage when he applied the brakes, causing the truck to continue forward at 60–65 miles per hour to the impact site.

An expert for the plaintiff, Claude Mount, attributed the alleged brake failure to leaking fluid from the speed control deactivation switch which had been subject to a recall. He claimed the fluid loss contaminated the truck's brake rotors, drained the brake master cylinder, and severely lessened braking capacity. After one evidentiary hearing, the judge struck Mount as a trial witness due to a lack of proper scientific methodology in his analysis.

Ford countered that the accident and injuries were caused entirely by the carelessness of Robert Patten, the F-150's driver, in not applying his brakes in time. An accident reconstruction conducted by Ford determined that the truck slowed down from 70 to 38 miles per hour at impact due to braking, which rebutted Patten's testimony. Ford's reconstruction was supported by a fact witness who saw the F-150's nose dive and slow before impact and by the investigating state trooper's conclusions that the brakes worked. In addition, engineering experts reported that the cruise control system is not related to braking performance and redundant safety features disproved the plaintiff's technical claims. A braking system mock-up prepared for trial and vehicle testing was utilized to further support these opinions.

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