



And The Defense Wins

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Robert W. Maxwell and Carl Giffin



A state court jury in Baton Rouge, Louisiana, returned a unanimous verdict for Ford Motor Company on December 6, 2012, finding no defect in a 1999 Ford F-150. The jury deliberated for 22 minutes after a two-week trial. Ford was represented by DRI members [Robert W. Maxwell](#) and [Carl Giffin](#) of **Bernard, Cassisa, Elliott & Davis** in Covington, Louisiana.

The accident occurred in 2005 on a state highway. The 1999 F-150, driven by plaintiff, Betty Kean, struck the side of a Suzuki SUV that had gone out of control and crossed the centerline of a divided highway. Closing speeds exceeded 80 mph and Kean experienced a change in velocity of approximately 35 mph. She sustained multiple lower extremity injuries, which necessitated 12 surgeries and resulted in special damages exceeding \$2 million.

The plaintiffs claimed the F-150's knee bolster was defectively designed and failed to absorb energy appropriately in the crash. Also alleged was that the fuse panel cover on the knee bolster was penetrated by the plaintiff's knee and entrapped, which led to a compound ankle fracture when the floor pan buckled.

Experts for the plaintiffs presented testing and computer simulations that allegedly supported their claims and suggested that eliminating openings in the knee bolster would have prevented the injuries. Plaintiffs' experts were Craig Good of Calgary, Canada, on biomechanics and design analysis; Michael Gillen of Baton Rouge, Louisiana, on accident reconstruction; and Dr. James A. Lalonde, Jr., of Baton Rouge on injury mechanics.

Ford countered that the accident and injuries were caused entirely by the driver of the Suzuki SUV. A reconstruction presented to the jury established that over 90 percent of all occupants in accidents this severe sustained AIS 3+ injuries. Further, analysis of crash testing established that the floor pan buckled prior to any possible occupant contact with the knee bolster and thus, plaintiffs' design criticisms were irrelevant to injury causation. Also introduced were vehicle market surveys showing that knee bolster designs similar to the F-150 were used in hundreds of vehicle models. Finally, biomechanical testing and studies were presented establishing that the plaintiff's injuries were caused by leg bracing early in the accident, coupled with floor pan buckling.

Expert witnesses for Ford were Dr. Geoff Germane of Germane Engineering in Provo, Utah, on accident reconstruction; Ram Krishnaswami of Dearborn, Michigan, on vehicle design and manufacturing; David

Blaisdell of Collision Research Analysis, Inc. in Gig Harbor, Washington, on vehicle testing analysis; and Dr. James Funk of Biomechanical Research Corporation in San Antonio, Texas, on biomechanics and injury causation.

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