



HARRIS COUNTY

PRODUCTS LIABILITY

Motor Vehicle — Design Defect — Manufacturing Defect

Ford F-150 driver ejected in roll claimed door latch failed

SETTLEMENT

Confidential

CASE

Deborah Evone Seliner, Individually and as next friend of her minor children, Tristen Levi Crow and Lilly Marie Crow v. Ford Motor Company and Sonic Automotive d/b/a Baytown Ford f/k/a Casa Ford, No. 2002-30454

COURT

Harris County District Court, 127th, TX

JUDGE

Sharolyn P. Wood

DATE

6/14/2004

PLAINTIFF

ATTORNEY(S)

Jeffrey G. Wigington (lead), Wigington & Rumley, Corpus Christi, TX
 Josh W. Hopkins, Corpus Christi, TX
 Scott C. Krist, The Krist Law Firm, Houston, TX
 David L. Rumley, Wigington & Rumley, Corpus Christi, TX

DEFENSE

ATTORNEY(S)

Richard H. Grafton, Brown McCarroll, Austin, TX
 Ronald Warnstead, Brown McCarroll, Austin, TX

FACTS & ALLEGATIONS On Sept. 20, 2001, as plaintiff Deborah Seliner, 37, a truck driver, traveled north on Hwy. 6 in Harris County, in her 1997 Ford F-150 SuperCab pickup, a tire blew out and she lost control. The pickup veered off the paved roadway, flipped over and came to rest right-side-up. During the rollover, the driver's door unlatched and opened and Seliner was ejected.

On behalf of herself and her two minor children, Seliner sued Ford Motor Co. and Sonic Automotive, operating as Baytown Ford, formerly known as Casa Ford, alleging that the failure of the doors to stay closed was a product defect that was foreseeable in a rollover accident. She alleged that actuation of the door latch mechanism made the door latch prone to fail because a rod, rather than cable, linked the door latch to the handle. Further, Seliner alleged that the door handle used a defective spring that did not provide adequate tension on the outside door handle. Such handles have been known to open under minimal forces and result in doors opening, she alleged.

The defendants denied the allegations.

INJURIES/DAMAGES *compression fracture spinal cord; decubitus ulcer; emotional distress; herniated disc at C6-C7; hypertension; loss of consortium; quadriplegia; subluxation*

Seliner suffered a spinal cord injury that rendered her quadriplegic. Medical records indicated that she suffered a C6-7 subluxation. She claimed that, in her initial hospital stay, she developed postural hypertension and sacral and heel decubitus ulcers. Medical expenses totaled \$389,634, with multiple medical problems continuing to trouble her.

On behalf of her children, Seliner sought damages for loss of parental consortium past and future.

RESULT About 30 days before trial, the case settled for a confidential amount.

PLAINTIFF

EXPERT(S)

Jerry Wallingford, P.E., accident investigation & reconstruction, San Antonio, TX
 Andy Gilberg, doors/gates, Kennesaw, GA
 Lawrence S. Forman, life care planning, Miami, FL
 Charles E. Benedict, Ph.D., P.E., doors/gates, Tallahassee, FL

DEFENSE

EXPERT(S)

Thomas O. Tiede, doors/gates, Huntington Beach, CA
 Pamela Michelle Oviatt, restraint systems, Logan, IA
 E. L. Workman, rehabilitation counseling, San Clemente, CA
 Thomas M. McNish, M.D., MPH, injury biomechanics, San Antonio, TX
 Sheryl H. Peyton, M.D., forensic analysis, Austin, TX
 Richard J. Schlueter, P.E., accident reconstruction, College Station, TX

EDITOR'S NOTE Defense counsel did not respond to a faxed draft of this report or a phone call.

—Don Maines