



VERDICTSEARCH

TEXAS

HIDALGO COUNTY

PRODUCTS LIABILITY

Automobiles — Passenger — Rollover — Design Defect

Rollover victim blamed weak steel for crush injury

SETTLEMENT **Confidential**

CASE Hector Salinas v. Ford Motor Company,
No. C-1271-03-B

COURT Hidalgo County District Court, 93rd, TX

JUDGE Rodolfo (Rudy) Delgado

DATE 12/22/2004

PLAINTIFF
ATTORNEY(S) **Jeffrey G. Wigington** (lead), Wigington &
Rumley, Corpus Christi, TX
Josh W. Hopkins (co-lead), The Peralez Law
Firm, L.L.P., Corpus Christi, TX
David L. Rumley (co-lead), Wigington Rumley,
L.L.P., Corpus Christi, TX
David T. Burkett, The Burkett Law Firm,
Corpus Christi, TX
Tony Gonzalez, The Burkett Law Firm,
Corpus Christi, TX
Gil P. Peralez, The Peralez Law Firm, L.L.P.,
McAllen, TX

DEFENSE
ATTORNEY(S) **David M. Prichard**, Prichard, Hawkins & Young,
San Antonio, TX
Jaime A. Saenz, Rodriguez, Colvin, Chaney &
Saenz, L.L.P., Brownsville, TX

FACTS & ALLEGATIONS On October 23, 2002, plaintiff Hector Salinas was the passenger in a 2000 Ford Taurus being driven by Jesus DeLeon. Both men were from Rio Grande Valley and were working on a farm in Caldonia, Minnesota for about three months. They traveled to work each day very early in the morning before the local gas station opened, so they always decided to fill up their car the night before. After getting gas and cigarettes, they were returning home at approximately 10:00 p.m. on a Farm to Market highway in Caldonia, when they came to a sharp turn. The driver missed the turn and drove off the road. After approximately 70 feet, the vehicle turned sideways and rolled 2 1/2 times in a hay field. During the roll, the roof crushed on the passenger side on Salinas' head, rendering him quadriplegic. The roof did not crush on the driver's side and DeLeon ran away from the accident for help. Salinas was wearing his seat belt at the time of the accident.

Salinas sued the Ford Motor Company alleging that the roof of the Ford Taurus was defectively designed. He claimed that after the first generation of Taurus, the roof became weaker because steel was removed

from the roof in order to save money; that holes or "cut outs" were used in the steel roof supports; that Ford used a weak grade of steel; that the roof was designed to a weak standard; that the roof was not subject to any real world testing; that the roof was tested to an outdated 30-year-old standard; that a former Ford engineer characterized the standard as "silly"; and that the roof could barely support its own weight.

Plaintiff's experts suggested several alternative safer designs, which included the use of foam in the pillars of the vehicle. It was shown that this type of foam is used in several production model vehicles and that other alternative safer design included an integral roll bar, tubular steel reinforcements, and a stronger gauge of steel. Plaintiff's experts discussed both the economic and technical feasibility of these measures.

The defense claimed that the blood alcohol content of the driver, Jesus DeLeon, was determined to be .16 at the time of the incident. And Hector Salinas' blood alcohol level was .12. The Court excluded evidence of alcohol.

INJURIES/DAMAGES *quadriplegia*

Hector Salinas is quadriplegic as a result of the accident. He was in the hospital for two months in Minnesota before he returned to Texas. His past medical expenses exceeded \$100,000 and he had a multi-million dollar life care plan.

Salinas sought damages for past and future pain and suffering, past and future medical bills, and future lost wages.

RESULT The case settled for a confidential sum shortly before the plaintiffs rested their case.

PLAINTIFF
EXPERT(S) **Peter C. Bertelson**, automotive, Sedona, AZ
Joseph L. Burton, M.D., biomechanics of injury,
Alpharetta, GA
Lawrence S. Forman, life care planning, Miami, FL
Stephen M. Forrest, vehicle, Goleta, CA

DEFENSE
EXPERT(S) **Juan Manuel Herrera, Ph.D.**, accident
reconstruction, El Paso, TX
Christopher Long, Ph.D., toxicology, St. Louis, MO
Larry F. Ragan, design, Livonia, MI
Kathryn M. Warner, life care planning,
West Bloomfield, MI
Mike Scott, Ph.D., biomechanics, San Antonio, TX

—Adam Dratch