



# VERDICTSEARCH

## TEXAS

### KENDALL COUNTY

#### PRODUCTS LIABILITY

##### Rollover — Design Defect

## Silverado's roof buckled in roll, leaving collegian quadriplegic

#### SETTLEMENT

**Confidential**

#### CASE

Landon Leon Groff v. General Motors Corp. and Cavender Boerne Acquisition of Texas, Ltd., d/b/a Cavender Chevrolet, No. 03-217-CCL

#### COURT

Kendall County Court, TX

#### JUDGE

Bill Palmer

#### DATE

11/4/2004

#### PLAINTIFF

#### ATTORNEY(S)

**Jeffrey G. Wigington** (lead), Wigington Rumley LLP, Corpus Christi, TX

**Josh W. Hopkins**, Wigington Rumley LLP, Corpus Christi, TX

**Douglas D. Ketterman**, Rodriguez, Ketterman & Lopez, San Antonio, TX

**Fidel Rodriguez**, Rodriguez, Ketterman & Lopez, San Antonio, TX

**David L. Rumley**, Wigington Rumley LLP, Corpus Christi, TX

#### DEFENSE

#### ATTORNEY(S)

**Kyle H. Dreyer** (lead), Hartline, Dacus, Barger, Dreyer & Kern, Dallas, TX

**Luz Elena D. Chapa**, Hartline, Dacus, Barger, Dreyer & Kern, Corpus Christi, TX

**Sean R. Fitzgibbons**, Hartline, Dacus, Barger, Dreyer & Kern, Dallas, TX

**FACTS & ALLEGATIONS** On May 19, 2003, plaintiff Landon Leon Groff, a college student, was traveling on I-10 just outside San Antonio, coming home from Texas Tech after final exams. He was driving a 1999 Chevrolet Silverado extended cab pickup. He fell asleep and went off the road. He tried to regain control of the truck but could not, and it rolled two or three times. He was wearing a seat belt, but was injured when the roof collapsed above the driver seat.

Groff sued General Motors Corp. and the dealership where he bought the truck, Cavender Boerne Acquisition of Texas Ltd., operating as Cavender Chevrolet, of Boerne. He alleged that the roof was defective and unreasonably dangerous. According to Groff, the vehicle did not meet Federal Motor Vehicle Safety Standard 216, governing roof strength, but even if it had, the plaintiffs argued that the strength required by FMVSS 216 is inadequate and does not withstand real-world accident forces.

Also, Groff alleged, GM had not tested the design properly and had tested only one side of the roof. In addition, Groff alleged that the

roof's strength depended on the vehicle's glass, and that the glass shattered and provided no support thereafter during the roll. Groff claimed that a safer alternative design would have used foam-filled pillars, a stronger structure or an integrated roll cage.

The defendants disputed Groff's allegations, denied that the truck's design was defective, and they argued that driver error caused the accident. They contended that the vehicle complied with FMVSS 216, which they said was an adequate standard for roof strength.

The defendants further argued that Groff received his injury when he was thrown against the roof upon impact with the ground, before any significant roof deformation. Various studies in national accident databases supported this argument, said defense counsel.

**INJURIES/DAMAGES** *compression fracture; compression fracture spinal cord; quadriplegia*

Groff suffered a spinal compression fracture, which rendered him quadriplegic. He was hospitalized for two months. His past medical bills exceeded \$300,000, and he had a multimillion-dollar life care plan.

**RESULT** Groff settled with GM and the dealership for a confidential amount.

Other defendants were nonsuited early in the case.

#### PLAINTIFF

#### EXPERT(S)

**Bill Greenlees**, accident reconstruction, San Antonio, TX

**Larry Forman**, life care planning, Miami, FL

**Joseph L. Burton, M.D.**, biomechanics, Alpharetta, GA

**Carl Nash, Ph.D.**, truck design, Goleta, CA

**Jack Bish, Ph.D.**, truck design, Goleta, CA

**George Rechnitzer, Ph.D.**, truck design, Goleta, CA

#### DEFENSE

#### EXPERT(S)

**John E. Dahlberg**, life care planning, Greenwich Village, CO

**Ken Sorenson**, accident reconstruction, Houston, TX

**Jeya Padmanaban**, economics, Mountain View, CA

**Thomas M. McNish, M.D., MPH**, biodynamical, San Antonio, TX

**Pamela M. Oviatt**, seat belts, Logan, IA

**Garry S. Bahling**, roofs, Matamora, MI

—John Schneider