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Ford Slammed For \$61 Million In Explorer Rollover Case

By Natalie White

A Miami jury recently awarded \$61 million, including \$60 million for pain and suffering, to the family of a teenager killed in a rollover accident involving a Ford Explorer.

Lance Crossman Hall was 17 years old in April 1997, riding in the front passenger seat of the 1996 SUV when his friend dozed off at the wheel, lost control of the vehicle and rolled it over four times. Hall was hurled from the SUV and died at the scene.

Hall's family argued that poor handling and stability caused the rollover, that Ford knew about those problems and that the company did nothing to correct the design or warn consumers.

"What's significant about this is that it is the first time Ford is being held accountable for handling and stability issues without it involving tire failure," said Bruce Kaster, one of the family's attorneys. "This case had to do with handing design defects inherent in Explorers manufactured up until 2001."

Kaster noted that although the vehicle was outfitted with defective tires there was no tire failure in this case.

Ford said the accident was a clear case of driver error and indicated its intention to appeal.

"This tragic accident occurred when the driver of the vehicle fell asleep at the wheel while traveling at highway speeds," the



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CONTACT:

BRUCE R. KASTER, PA
125 NE 1st Ave.
Box 100, Suite 3
Ocala, Florida 34478-0100

Phone: (352) 622-1600
E-mail:
brk@tirefailures.com

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company said in a press release. "Real-world experience and testing show that the Explorer is a safe vehicle, consistently performing as well as or better than other vehicles in its class. We believe strongly in our products and will appeal the verdict."

More than 200 people were killed and hundreds more injured in Ford Explorer rollovers in the 1990s, leading to a onslaught of lawsuits against Ford and tire manufacturer Bridgestone/Firestone. The two companies recalled more than \$19 million tires in 2000 and 2001 and acknowledged that under certain conditions the tires separated, causing rollovers.

But Kaster said Ford has consistently attempted to shift blame for the Explorer's stability problems to the tire manufacturer. In the past, that has been largely successful. But in this case, he said the accident had nothing to do with the tires.

"Yes, the Explorer had the four original tires, but there were no tire failures in this accident," said Kaster.

Valuing A Life

In April 1997, Hall and his friend, Melahn Parker, were driving home from a friend's drama competition when Parker fell asleep at the wheel. When the car hit the rumble strip, Parker tried to return to the highway but lost control of the vehicle. It rolled over four times, hurling Hall out of the vehicle. Although Hall was wearing his seatbelt, he slid out of the device because he was riding with the seat reclined.

The driver was charged with careless driving. But Kaster said he would have been able to safely return to the highway if the Explorer had been a stable vehicle. He said the vehicle rolled over easily because the wheels are not far enough apart.

"Ford vehicles are supposed to be designed to slide out in an emergency situation, not roll over, and that's according to Ford's own internal criteria," Kaster said. "But the Explorer doesn't meet the company's own criteria. It rolls over."

The jury ordered Ford to pay the family \$1.2 million in damages, and another \$60 million for the pain and suffering of Hall and his mother, Joan Hall-Edwards. Ford was not ordered to pay punitive damages.

Kaster said that Hall's character was a significant factor in the large verdict.

"Lance Hall is the most extraordinary young man I've had the privilege to represent," he said. "We didn't suggest a specific amount. We talked about who he was and what he meant to his mother, his sister, his friends and community."

Through the testimony of family and friends, the plaintiffs' team painted a picture of Hall as a compassionate, gifted young man who befriended the homeless, led his student association, biked for AIDS research, started a polo team and was an integral part of his family's life, particularly that of his twin sister.

He said co-counsel Richard Denney compared the value of this boy's life to that of a pro athlete who gets a multi-million dollar contract, and suggested that as a society, we have to be able to put a value on other characteristics.

"It became not only what did [Ford] take from his family, but what did [they] take from us? One of the best of the best," said Kaster. "The jury wasn't happy about losing this young man."

An Unnecessary Crash

Kaster said the key to the case was internal Ford documents that discussed instability problems with Explorers.

"In an emergency, they were prone to go out of control and rollover," Kaster said.

But rather than redesign or retrofit the vehicles, he said Ford continued to manufacture them with the known instability problems.

He said testimony from a former Ford chassis designer helped sway the jury. Although the plaintiffs presented memos from the designer in which he suggested the Explorer be widened and lowered to improve stability, the man testified that he was not involved with any efforts to improve stability.

"That hurt their credibility," said Kaster. "What came out was that their own internal documents showed that the Explorer was rolling over, but Ford elected not to fix a problem that their own engineers identified. If they had, Lance Hall would still be alive."

The plaintiffs entered into evidence a \$200 device that could have been retrofitted onto Ford Explorers to prevent the rollover problem.

"We had our own expert show how to fix the problem," he said. "If they had redesigned or retrofitted the Explorer with this

simple spacer device to widen the track, then the driver would have been able to bring the SUV back onto the highway without rolling over. He could have driven home.

"If they had done that, I wouldn't have a client and Lance would be going on to get his Master's," he said.

Kaster said the plaintiffs hired a race car driver who is also a mechanical engineer to test the device, and showed jurors a video of how the SUV is more prone to rollover without the device.

Kaster said Explorers manufactured between 1991 and 2001 have instability problems and may be dangerous. Ford changed the design in 2002, providing for a wider space between the wheels.

Plaintiffs' Attorneys: Bruce R. Kaster of the Kaster Law Firm in Ocala, Fla.; Gustavo Gutierrez of Gustavo Gutierrez, P.A. in Coconut Grove, Fla.; Richard L. Denney of Denny & Pecore in Norman, Okla.

Defense Attorney: Ronald E. Cabaniss of Cabaniss, Smith, Toole & Wiggins in Maitland, Fla.; Henry Salas of Salas, Ede, Peterson & Lage in Miami.

The Case: *Hall v. Ford Motor Co.*; Nov. 15, 2005; Circuit Court of the 11th Judicial Circuit, Dade County, Fla.; Judge Roberto M. Pineiro.

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