



## The Voice

### And The Defense Wins

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On Saturday, June 6, 2015, a jury in Clinton, Louisiana, returned a defense verdict for Ford Motor Company following a nearly 2-week long trial in an airbag non-deployment case involving fatal injuries. In reaching the verdict, the jury rejected plaintiff's allegation that Ford defectively designed the supplemental restraint system in a 1995 Ford Mustang. Ford was represented at trial by [Keith W. McDaniel](#) and [Quincy T. Crochet](#), of [McCranie, Sistrunk, Anzelmo, Hardy, McDaniel & Welch, LLC](#) and by [Michael W. Eady](#) of [Thompson, Coe, Cousins & Irons, LLP](#).

The lawsuit arose out of a series of events on March 1, 2008, that culminated in a two-car collision between a 2006 Nissan Altima operated by Dana Shell and a 1995 Ford Mustang operated by Robert Brumfield and occupied by his two minor children.

Shell, a registered nurse, worked the night shift at Baton Rouge General Medical Center, where she exhibited odd behavior indicative of impairment. Shortly after leaving, Shell rear-ended one vehicle and committed a second hit-and-run on another. Shell ran at least one red light before pulling over for police officers. She completed a written statement in which she identified her location as Baton Rouge General Hospital and wrote that she hit an alligator in the road. Officers issued various citations to Shell, but she was released.

Shell continued to operate her vehicle in an erratic fashion, forcing at least one other vehicle off the roadway. Just moments later, Shell attempted to pass a row of vehicles traveling northbound on Highway 19. While attempting this maneuver, Shell traveled northbound in the southbound lane of travel and caused an off-set head-on collision with the Brumfields' Mustang. Both vehicles traveled at approximately 50 mph at the time of the crash. As a result of the impact, Robert Brumfield died immediately and his two children suffered relatively minor injuries. Dana Shell sustained extensive trauma resulting in approximately 40 surgical operations.

Robert Brumfield's surviving spouse, Sunday Brumfield, subsequently filed suit on behalf of herself and her minor children against Dana Shell, Baton Rouge General Medical Center, the City of Baker, the City of Baton Rouge, and Ford Motor Company. As against Ford, plaintiff contended that the wire routing from the driver side airbag sensor was defective. Plaintiff's design expert opined that the wire routing rendered the system susceptible to severing during a crash event.

Ford contended that the non-deployment was caused not by faulty wire routing, but due to a disconnected airbag diagnostic monitor. Ford's design expert testified that he found the supplemental restraint system's diagnostic monitor unplugged during an inspection, and as a result the system had been disabled. Additionally, he testified that the separated wire in the engine compartment of the vehicle was pulled apart as a result of tensile loading that developed during the accident long after the front sensors would have closed and sent a signal to deploy the airbags. Ford's accident reconstruction expert also presented evidence that the diagnostic monitor and nearby wiring components moved several inches rearward during the crash in concert with each other, thereby rebutting a suggestion from plaintiff that crush intrusion and relative motion of the components caused the disconnection of diagnostic monitor. Further, both testified that any movement of the diagnostic monitor during the crash occurred long after the front sensors signaled for deployment. Finally, Ford's biomechanical expert testified that Robert Brumfield died as a result of a head strike to the A-pillar, and that Mr. Brumfield would have suffered the same fatal injury even with airbag deployment.

During closing arguments, plaintiff's counsel requested a verdict totaling approximately \$8.3 million. After deliberating for approximately 3 hours, the jury returned a unanimous verdict in favor of Ford and awarded nothing to plaintiff.

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