



The Voice

And The Defense Wins

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Keith W. McDaniel and Quincy T. Crochet



DRI members [Keith W. McDaniel](#) and [Quincy T. Crochet](#) of **McCranie, Sistrunk, Anzelmo, Hardy, McDaniel & Welch** in Covington, Louisiana, successfully represented Ford Motor Company in a product liability jury trial in Lincoln Parish, Louisiana, in January. The plaintiffs, Vivian and James Franklin, brought suit as a result of an alleged inadvertent deployment of the seat-mounted driver's side airbag in a 2005 Lincoln LS. Mrs. Franklin testified that, as she was driving, the airbag deployed. She described the road on which she was travelling as "smooth as glass," and she denied hitting any potholes or objects. Although she brought the vehicle safely to a stop after the deployment event, Mrs. Franklin claimed that the deployment caused multiple cervical and lumbar disc injuries, including bulges and an annular tear, headaches, and chronic pain throughout her body, and difficulty with memory, vision, and hearing. The plaintiffs sued Ford and alleged that the side airbag system was defective in manufacture and design, due to inadequate warnings.

Ford defended the system with data obtained from the diagnostic module of the Lincoln LS. The module's readout confirmed that multiple sensors within the system sensed necessary crash pulses and deployed the airbag. Ford also presented evidence to demonstrate that elements of the system's design were state-of-the-art at the time of manufacture, that the system conformed with the custom of the industry in design intent, that the vehicle complied with all applicable Federal Motor Vehicle Safety Standards and that the design properly balanced the risk of deployment in non-crash events with the need for deployment in severe side impact scenarios. Ford also disputed Mrs. Franklin's claim regarding the condition of the roadway through the use of DOTD records that documented widespread damage in the area of the incident.

To rebut damages and demonstrate the relatively low level of risk from a deployment in a non-crash environment, Ford presented the results of a static airbag deployment test in an exemplar Lincoln LS with an anthropomorphic test device (i.e., a "test dummy") instrumented with various sensors. The video of the airbag deployment established that the deploying bag moves away from a properly positioned driver. Additionally, sensors in the dummy's cervical and lumbar spine areas confirmed that forces acting on the dummy were inconsequential and less than the forces experienced through loading the spine during many activities of daily living. Based on these test results, Ford argued that the subject airbag deployment did not cause Mrs. Franklin's disc injuries and that the deployment was not the source of her ongoing complaints. Instead, Ford contended that Mrs. Franklin's disc injuries long pre-dated the airbag incident and that her past medical records document longstanding complaints of the same type she claimed started after the airbag deployment.

The jury found that the plaintiffs failed to establish a product defect under any of the theories advanced pursuant to the Louisiana Products Liability Act.

The plaintiffs' airbag expert was Chris Caruso of Las Vegas. Michael Klima of Novi, Michigan, testified for Ford on airbag design and performance; and Dr. Daniel Toomey, also of Novi, Michigan, testified for Ford on injury causation and biomechanics.

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