

Verdicts & Settlements

DaimlerChrysler settles wrongful death case over seat failure

Automaker hit with one of many claims

Confidential settlement

DaimlerChrysler settled a products liability case before it was even filed by the family of a Kansas woman who died from injuries suffered when the seat in her Dodge Caravan collapsed during a crash.

The decedent's 1997 Caravan was rear ended by a 1998 Ford Explorer. During the crash her seat collapsed backwards. She slid under her seatbelt and was pushed into the rear of the minivan, with witnesses on the scene finding her in the third row seat with no apparent

external injuries. The woman suffered internal injuries and eventually died.

According to plaintiff's lawyer Brad Kuhlman, DaimlerChrysler minivans were subject to more than 100 personal injury lawsuits in 2004 alone. That same year the automaker was hit with a \$98 million punitive judgment over its

seat design. "It is a significant safety problem," Kuhlman said.

Defense attorney Gary Cunningham confirmed details of the case but declined to offer further comment.

— Mike Nixon



The driver's seat of the DaimlerChrysler minivan shown in trial photo above collapsed when the minivan was rear ended. The Kansas woman driving the minivan died following the accident.

Facts of the Case

Type of Action: Products Liability
Type of Injuries: Wrongful death and survival action
Court/Case Number/Date: Not Filed/Not Filed/July 13, 2006
Caption: Daily v. DaimlerChrysler
Judge, Jury or ADR: Mediation
Name of Mediator: Richard McLeod
Verdict or Settlement: Confidential settlement
Special Damages: \$373,000
Allocation of Fault: N/A
Last Demand: N/A
Last Offer: N/A
Attorneys for Plaintiff: Brad Kuhlman, Evans & Kuhlman, LLC, Kansas City

Russ Dameron, Watson & Dameron, Kansas City
Attorney for Defense: Gary Cunningham, Lathrop & Gage LC, Springfield, Mo.
Insurance Carrier: N/A
Plaintiff's Experts: Robert Caldwell (accident reconstruction), Lafayette, Colo.; Ken Saczalski (seat design), Newport Beach, Calif.; Lou D'Avolio (restraint design), Penns. Park, Penn.
Defendant's Experts: None



Kuhlman

Dameron