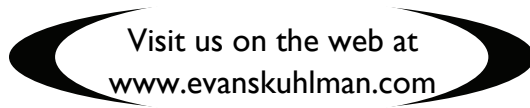


Mark J. Evans
Bradley D. Kuhlman
Chad C. Lucas
105 E. 5th Street, Suite 102
Kansas City, Missouri 64106
Telephone: (816) 799-0330
Facsimile: (816) 799-0336
mevans@evanskuhlman.com
bkuhlman@evanskuhlman.com
clucas@evanskuhlman.com

Whatever the defect or negligence, we pursue justice for our clients with all of our effort, experience and resources. We work closely with our clients and referring attorneys to prepare every case for trial to maximize case value in the event the client chooses to settle.

If you have a potential referral or question regarding a product liability or crashworthiness case, please contact us today.



**CRASHWORTHINESS CASE CHECK LIST
SEAT DEFECTS**

Consider a seat defect case if any of the following circumstances exist:

- The seat back collapsed during a minor to moderate rear impact collision.
- The seat came loose or detached from the vehicle floor during the collision.
- The seat track freely slides back and forth on the track and does not lock the seat in place.
- The seat lacks, or has an inadequate, head rest and the occupant suffers a cervical fracture or neck injury.
- The occupant had the seat in the reclined position at the time of the accident.



Seat back collapse of a 1992 Dodge Caravan (upper left) and a 2000 Dodge Caravan (upper right). Crash test dummy experiencing a seat back collapse and a head to head collision with a rear seat child occupant (below).



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MARK J. EVANS
BRADLEY D. KUHLMAN
CHAD C. LUCAS

EVANS & KUHLMAN, LLC

AUTOMOTIVE CRASHWORTHINESS
AND PRODUCT LIABILITY ATTORNEYS

Chrysler's Minivan Seat Back Collapse Defect

By Chad Lucas

Families who own any model of Chrysler minivan are at risk every time they get into their vehicle from a hidden and insidious seat defect. The front seat backs in the majority of Chrysler minivans sold from 1991 through 2005 are dangerously weak and collapse as a result of the forces generated by even a minor rear impact.

In any collision, the occupants move toward the force being exerted on the vehicle. When the minivan is struck from the rear, the occupants naturally move rearward and into the backs of their seats. Unfortunately, Chrysler's minivan seat backs are not strong enough to withstand the forces generated by the occupant pressing back into the seat during a rear impact. The seat is overcome by the force of the occupant moving rearward and the seat back bends or breaks backwards into a reclined position. As a result, the front seat occupants can be ejected from their seat (and in many cases the vehicle) despite properly wearing their seat belt. This defect has quietly left many families devastated.



As a result of this design flaw, the front seat occupants are at risk for severe injuries, including head injury, paralysis and death, if the vehicle is involved in any type of rear impact. But the front seat passengers are not the only ones at risk from this sinister defect. When the front seat back collapses, it collapses into whatever or whomever is behind it. Unfortunately, children are often the second row occupants and many have been needlessly injured or killed when the front seat (or front seat occupant) slams into them.

Chrysler Minivans Containing Defective Front Seats:

- Dodge Caravan
(1991-2000 model years)
- Plymouth Voyager
(1991-2000 model years)
- Chrysler Town & Country
(1991-2000 model years)
- Caravan, Voyager and Town & Country with seats without removable headrests
(2001-2005 model years)

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Settlement Reached in New York Truck Fire

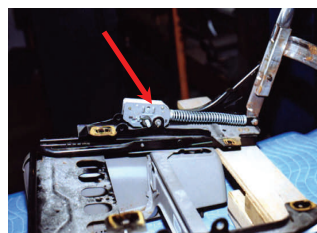
Our office recently reached confidential settlements with Ford Motor Company, ArvinMeritor, Inc. and AutoZone, Inc. on behalf of our clients who suffered severe burn injuries in a non-collision fire of a Ford F250 pick-up truck. The clients were also represented by Allan Lewis of Buffalo, New York.

On July 4, 2002, our clients were driving a 1987 Ford F-250 pulling a camper on their way to a campground to meet friends for the holiday. Another vehicle passed them and waved them over to the side of the road. Not knowing what was wrong, our client pulled over and exited the truck. As he walked around the front toward the passenger side, the truck

burst into flames. His five year old son was asleep in the front passenger seat, so our client reached into the flaming truck to pull his son out. As he pulled his son from the truck, they both were on fire. The father received third degree burns over 95% of his body and nearly lost his life.

Our investigation revealed the truck fire was caused by the splitting open of one of the truck's mufflers following a backfire. As a result of the muffler failure, flames and gases in excess of 1200 degrees spewed directly at the fuel tank and nearby plastic fuel lines, causing the plastic lines to melt and igniting the gasoline inside.

Minivans Unsafe for Families (continued from page 1)



A de-trimmed minivan seat with a single recliner. Adding a second recliner to the other side would double the strength of the seat.

Chrysler knew the seats would collapse in a rear impact collision and did nothing about it.

Not only do these seats collapse in rear impact collisions, but, even worse, Chrysler knew the seats would collapse in rear impact collisions and did nothing about it. Test after test conducted and videotaped by Chrysler engineers during the design and development of the minivan (and produced by Chrysler in cases handled by our office) shows that the front seats completely collapse in a rear impact collision, even at rear impact speeds as low as 18 mph. This woeful performance violates Chrysler’s own seat back performance standard, which states seat backs should never recline more than 45 degrees in a rear impact (a typical seat back is designed to be used 26 degrees from vertical). Despite Chrysler’s commonsense admission that the further the seats recline, the greater the risk is of occupant ejection from the seat, Chrysler’s own employees also readily admit that Chrysler’s seat backs are some of the weakest in the automotive industry.

The “fix” for this seat back collapse defect is cheap and is as simple as adding a second “recliner” mechanism to the seat which would have doubled the strength of the seat. This is an alternative design Chrysler and its seat suppliers began testing as early as 1996. Despite the clear benefits demonstrated from this testing, Chrysler chose not to utilize the second recliner in order to save \$5.00 per car. When asked about Chrysler’s testing of this alternative design, the engineering supervisor for minivan seats feigned ignorance of any such testing - despite numerous documents clearly demonstrating he had been heavily involved in the year and a half long process.

Juries have punished Chrysler for its conduct regarding these defective minivan seats. Earlier this year, the Tennessee Supreme Court affirmed a \$13 million punitive damage award (reduced from the jury award of \$98 million) in a case where the front passenger seat collapsed into and killed an eight month old child sitting in a car seat directly behind the passenger seat. Our firm has successfully represented clients who have suffered head injury, been rendered quadriplegic and been killed as a result of the defective seats in these vehicles. If you have a potential case involving one of these vans or you or a family member own one yourself and just want more information about this defect, please give us a call.

Plastic Fuel Lines Were Defective (continued from page 1)



The failed muffler (bottom) and fuel tank (top) with arrow indicating where the truck’s plastic fuel lines entered the tank and were melted by hot gases and flames from the failed muffler.

Plaintiffs alleged the truck was defectively designed by Ford because the fuel lines were made from plastic instead of steel and because the unshielded plastic fuel lines were routed too close to the exhaust system. Discovery revealed the plastic fuel lines had a melting point lower than the temperatures expected and experienced during normal vehicle operation. Ford had previously used steel fuel lines on the truck and switched back to steel lines shortly after the subject truck was made.

Plaintiffs also asserted a claim of negligence against AutoZone for selling the wrong muffler to our client. Our client had purchased the muffler from AutoZone and had relied completely on the AutoZone sales staff to sell him a muffler which was suitable for use on his truck. Even ArvinMeritor, the manufacturer of the muffler, stated the subject muffler was not designed for use on the subject truck and should not have been sold by AutoZone to our client for use on the subject truck. ArvinMeritor relied completely on AutoZone to sell the right muffler for the right vehicle, but provided no warning or instruction with the muffler as a last line of defense in case a mistake was made by the retailer.

AutoZone claimed our client selected the muffler himself without the aid of the sales staff. All of the defendants disputed the cause and origin of the fire and claimed the fire started at the front of the vehicle in the engine compartment as a result of spilled brake or transmission fluid.

Plaintiffs’ economic damages totaled \$6,149,065.00. The case settled for a confidential amount after opening statements and after the only fact witnesses to the incident testified they saw no fire in the engine compartment as claimed by the defendants.

Settlement Reached with Honda in ATV Rollover Case

On November 8, 2003, our client was operating his 2003 Honda Foreman Rubicon ATV. As he was descending a hill, the ATV suddenly flipped rear over front, landing on top of our client and inflicting severe internal injuries, including in the words of one treating physician “the worst liver injury I’ve ever seen anyone survive.”

Our client was hospitalized for over six weeks. Due to the severity of his injuries and risk of infection, doctors were forced to leave his abdominal wound open for approximately six months. Our client incurred over \$500,000.00 in medical bills as a result of his injuries.

Plaintiff sued Honda for the defective design of the ATV. The subject ATV was defective because operation of the foot brake caused all four wheels of the ATV to lock up. The ATV industry, including Honda, has known for years that application of front wheel brakes while descending a slope will cause the ATV to pitch and flip forward, yet Honda inexplicably designed this very

feature into the ATV. Owner’s manuals from numerous other Honda ATVs included warnings which informed the operator not to use the front wheel brakes on a descending slope. Multiple similar incidents were identified during discovery. This evidence was bolstered by the fact that two ATVs operated by our client’s sons descended the same hill just seconds before the accident and did not flip because the front wheel brakes of their ATVs were not activated.

We retained an expert engineer to address the design defect in the ATV. The use of a “sprag” clutch would have allowed the front wheels to free wheel during braking, thus preventing the rear-over-front flip experienced by our client. This type of clutch is commonly used by other major ATV manufacturers to prevent this very hazard from occurring. The case settled for a confidential amount after experts were disclosed. Our client was also represented in the case by Matt Hamilton of Pleasant Hill, Missouri.



The 2003 Honda Foreman Rubicon ATV that flipped rear over front and landed on our client.

The use of a “sprag” clutch would have allowed the front wheels to free wheel during braking and prevented the accident from occurring.

Progress Energy Truck Accident Case Resolved

On December 8, 2004, our client was driving on Highway 36 in northeast Kansas when a truck operated by an employee of Progress Rail Services Corporation failed to negotiate a curve in the highway and struck our client head on. Our client was wearing her seat belt at the time of the accident and escaped with her life, but suffered fractured vertebrae and a serious back injury.

Our client’s severe back injuries prevented her from performing her job duties as an inspector for the U.S. government and left her unable to stand or sit for extended periods of time.

Plaintiff’s economic damages totaled \$1,090,515.00. The case settled for a confidential amount during mediation after plaintiff’s experts were deposed.

Settlement of Ephedra Claims Completed

Working together with the firm of Wagstaff & Cartmell, our office recently completed the settlement of 30 product liability claims against manufacturers of diet pills containing Ephedra.

In 2004, the FDA banned the sale of dietary supplements containing Ephedra, marking the first time the FDA has ever taken formal action to halt the sale of a dietary supplement ingredient. The FDA found that Ephedra raises blood pressure

and stresses the circulatory system, leading to heart ailments and strokes.

The cases were brought against various diet pill makers, with the majority involving pills made by Metabolife who took bankruptcy during the course of the cases. Despite Metabolife’s bankruptcy, our team was able to recover over \$6.5 million for our clients who had been injured from taking Ephedra containing diet pills.



Metabolife 356