

Verdicts & Settlements

Isuzu settles again in deadly frontal collision

Woman's family claimed safety cage provided inadequate protection; injured child settled earlier

Confidential settlement

The family of a woman killed in a head-on collision while driving an Isuzu Trooper has reached a confidential settlement in its products-liability suit against Isuzu Motors in St. Louis.

"It is a well-accepted principle of crashworthiness that vehicle structure should be designed to minimize intrusion into the passenger compartment and maintain occupant space," said Chad C. Lucas, Kansas City plaintiffs' attorney. "The structure in the subject Trooper was woefully inadequate.

Lucas said Isuzu had done nothing to correct structural problems with the Trooper until the Insurance Institute for Highway Safety notified Isuzu that it intended to test the Trooper and release the results to the public.

"We were able to identify the structural changes made by cutting open Troopers manufactured before and after the changes," he said. "The changes were obvious, simple and would have resonated with a jury."

On Jan. 21, 2005, Cynthia Sitz-Davanzo was driving her two children and 6-year-old Jessica Goggio to school in St. Charles County. As she drove her 1998 Trooper eastbound on Mexico Road, Brittainy Wise was driving a 1999 Land Rover Discovery in the opposite direction. Wise, 16, lost control of her SUV, crossed the centerline and hit the Trooper head-on.

Sitz-Davanzo, 38, was wearing her lap and shoulder belt, and her airbag deployed. She was unconscious at the scene and taken to St. John's Mercy Medical Center in St. Louis County, where she was later pronounced dead.

Plaintiffs argued that the Trooper's safety cage was inadequate to protect a driver in a frontal collision. They relied on testing conducted by the Insurance Institute for Highway Safety and Isuzu to prove how the structure performed in frontal impacts. During 40 mph tests,

the "A pillar" — or structural support in front of the driver's face — crushed rearward, the steering wheel moved back and up, and the roof rail and rocker panels crumpled onto themselves.

In a frontal collision, plaintiffs contended, that the crush of the vehicle should be limited to the engine compartment. The engine compartment acts as a crush zone, leaving the safety cage intact and preserving survival space for the driver. In this case, Sitz-Davanzo suffered fatal head injuries as the structure and steering wheel collapsed onto her.

Plaintiffs further argued that Isuzu reinforced the safety cage in the model year 2000 Troopers. Plaintiffs' counsel bought and disassembled a 1998 and 2000 Trooper to demonstrate that Isuzu installed reinforcements in the A pillar, roof rail and rocker sill. The extra steel added weight to the vehicle at a low cost, and the redesigned safety cage was stronger and safer.

According to plaintiffs, the difference in safety performance during crash testing was remarkable. The safety cage in the 2000 Trooper stayed intact and preserved the survival space. If this design had been implemented earlier, plaintiffs concluded, Sitz-Davanzo would have survived the collision.

Isuzu denied that the 1998 Trooper's design was defective.

During mediation, plaintiffs reached the confidential settlement with Isuzu. Before suit was filed, plaintiffs also reached a confidential settlement with Wise.

The family of Goggio, who was severely injured in the collision, reached a confidential settlement with Isuzu and policy-limits settlements of \$100,000 with Wise and \$100,000 with Sitz-Davanzo's estate in a companion case.

Christopher Spencer, the Richmond, Va.-based attorney for Isuzu, did not immediately respond to requests for comments.

— Anne C. Vitale

Davanzo v. Isuzu Motors Ltd., et al.

Type of Action: Products liability/automotive crashworthiness

Type of Injuries: Death

Court/Case Number/Date: St. Louis Circuit Court/052-9285/May 1, 2007

Caption: Davanzo v. Isuzu Motors Ltd., et al.

Judge, Jury or ADR: Mediation

Name of Mediator: Richard McLeod

Verdict or Settlement: Confidential settlement with Isuzu Motors

Special Damages: \$1,146,359 lost wages; \$337,044 lost household services

Allocation of Fault: N/A

Last Offer: Confidential

Last Demand: Confidential

Attorneys for Plaintiff: Bradley D. Kuhlman, Mark J. Evans and Chad C. Lucas, Evans & Kuhlman, Kansas City; Thomas E. Schwartz, Holloran, White & Schwartz, St. Louis

Attorneys for Defendants: Christopher Spencer, O'Hagan, Spencer, Richmond, Va.; Maureen McGlynn, McGlynn & Luther, St. Louis

Insurance Carrier: Tokio Marine

Plaintiff's Experts: None disclosed

Defendants' Experts: None disclosed



Kuhlman



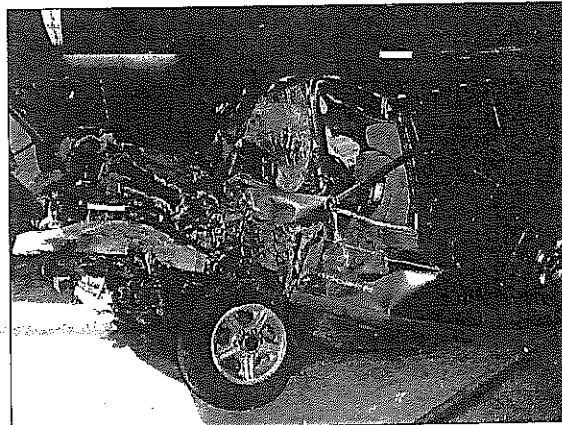
Evans



Lucas



Schwartz



Cynthia Sitz-Davanzo was driving the 1998 Isuzu Trooper hit in a head-on collision. A girl in the back seat was seriously injured in the crash and earlier reached a confidential settlement with Isuzu.