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Class Action Demands Ford Recalls

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Claiming Ford Motor Co. has deceived customers into buying potentially deadly vehicles, a class action filed Thursday asks that the motor giant be ordered to recall and repair some minivans and sport utility vehicles.

The suit, filed in Los Angeles Superior Court, alleges that Ford has concealed from consumers decades of evidence, including its own safety tests, proving that lap-only belts are more likely to injure passengers than three-point safety belts with lap and shoulder straps. *Gruber v. Ford Motor Co.* (L.A. Super. Ct., filed Nov. 6, 2003).

Thomas Girardi, who represents the class, said that some models of Ford minivans and SUVs have lap-only belts for center seats.

"The lap belt does not provide adequate protection to that one person in the car," Girardi of Los Angeles' Girardi & Keese said Thursday. "We are targeting all those situations where Ford is rolling the dice with respect to the safety of people."

Girardi said that the size of the class could exceed 100,000 plaintiffs.

"The complaint is unfounded," Ford spokeswoman Kathleen Vokes responded in a written statement. "All vehicles sold by Ford meet or exceed all Federal Safety Standards. The majority of Ford cars and trucks include the three-point restraint system and all will have them in the near future."

The suit alleges unlawful and deceptive business practices and false advertising.

The class is seeking the recall of all Ford vehicles in California with the lap-only belts, disgorgement of funds earned from the sales of the vehicles, and corrective advertising alerting the public to the dangers of lap-only belts.

Girardi acknowledged that the class action is a somewhat novel means to spur a vehicle recall, a process typically overseen by the National Highway Traffic Safety Administration. The federal agency, which sets safety standards for motor vehicles, monitors manufacturer recalls, and can order companies to recall defective vehicles.

A 1996 consumer class action sought the recall of Ford vehicles with faulty ignition switches. Though Ford attorneys challenged his authority to do so, Alameda County Judge Michael Ballachey ordered Ford to recall and repair 1.7 million cars and trucks sold in California. The case settled in 2001, with Ford agreeing to reimburse vehicle owners for the costs of replacing the ignition modules.

At the time, attorneys for the plaintiffs said that Ford had withheld defect information from the National Highway Traffic Safety Administration, which is why the consumer lawsuit was necessary.

Girardi said that Ford had stalled government-proposed reforms regarding seat belts and that the chance the traffic-safety administration would do something about the lap-belt problem was "remote."

"It appears to us that the only thing Ford recognizes is the power of the legal system to make them change their ways," Girardi said Thursday.

Vokes said in her statement that "Ford has been a leader in promoting seat-belt and booster-seat usage."

"Ford is well ahead of the phase-in timing for rear-seat three-point restraints proposed by the National Highway Traffic Safety Administration, which calls for half of all vehicles to have the three-point restraint system by 2006, and all vehicles equipped with it by 2008," the statement said.

The class action, however, argues that the court should require Ford to immediately

stop production of vehicles with lap-only belts because the belts can cause "paralysis, paraplegia, quadriplegia, skull fracture and intestinal damage."

The suit argues that the dangerous condition is "legally proven." In doing so, it builds off an individual personal-injury case that Ford lost to attorney Girardi last month.

On Oct. 14, a Los Angeles Superior Court jury awarded \$45 million to a 12-year-old paralyzed in a 1996 accident on Interstate 5. The victim, Johan Karlsson, was wearing a lap-only belt when his family's 1996 Ford Windstar crashed into a roll of steel that had fallen off a truck.

The jurors awarded Johan \$30.5 million in compensatory damages against Ford and Trans Continental Transport, the company whose driver was involved in the accident. They also hit Ford with \$15 million in punitive damages.

When asking the jury for punitive damages at trial, Girardi said that Ford knew for 30 years about the dangers of lap-only belts and that it ignored its own and other industry safety reports.

Los Angeles Superior Court Judge Howard Schwab, who presided over the Karlsson case, instructed the jury that the lap-only belt did not adequately protect Karlsson and that the company failed to warn him of the danger. The 2nd District Court of Appeal upheld these and other jury instructions over Ford's objections.

Schwab issued the sanctions after finding that Ford violated discovery orders. He told the jury that Ford tried to hide evidence during the case.

Previously, Ford has denied hiding evidence in the Karlsson case and said that it has "a solid history of ethical behavior during litigation."