

And The Defense Wins

Published 5-24-17 by DRI

Francis M. McDonald, Jr., Courtney M. King, and Wendy F. Lumish



McDonald Toole Wiggins attorneys and DRI members [Francis M. McDonald, Jr.](#), and [Courtney M. King](#), and **Bowman and Brooke** attorney and DRI member [Wendy F. Lumish](#) obtained a defense verdict for Ford Motor Company on March 28, 2017, in the Orlando division of the United States District Court of the Middle District of Florida.

This case stemmed from a single vehicle crash that occurred in May 2012, involving the 14-year-old plaintiff and two other teenage boys. After spending the day drinking rum on a porch, the boys decided to take a 2003 Lincoln Town Car belonging to the mother of one of the boys to a nearby convenience store. None of the boys were licensed drivers. After leaving the store, the 16-year-old driver lost control of the vehicle while traveling at an excessive rate of speed in a 25 mph zone. The vehicle slid sideways off the street, where it collided with a tree, resulting in a significant impact to the passenger side. The plaintiff was the front seat passenger. He was not wearing his seat belt, and incurred neck and pelvic fractures as a result of the crash.

The plaintiff alleged that the vehicle's side airbag should have deployed, but did not, because the design of the side airbag system was defective. Ford produced evidence that the design of the side airbag system in the Lincoln Town Car was safe, effective and reliable for its intended supplemental restraint benefits. Ford showed that at the time of the crash sequence, the side airbag system appropriately classified the plaintiff as a non-adult due to the fact he was not belted, and because the dynamics of the vehicle's travel allowed him to become removed from a normal seated position prior to the vehicle impacting the tree. Therefore, in accordance with its design, the side airbag did not deploy. Ford further showed that plaintiff's injuries would not have been notably different had the side airbag deployed, and that such injuries were caused by the negligence of the plaintiff and the driver, not Ford.

To learn more about DRI, an international membership organization of attorneys defending the interests of business and individuals in civil litigation, visit dri.org.