



The Voice

And The Defense Wins

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A unanimous defense verdict was returned by a Florida jury in favor of Takata Corp., TK Holdings, Inc., and Michelin North America Inc. on Wednesday, August 24, 2016, after a two-month trial involving allegations of tire and seat belt defects.

In *Dukes v. Michelin North America Inc. and Takata Corp., et al.*, the jury found that plaintiff and co-plaintiff were not wearing seat belts at the time of a 2009 rollover crash of a 2005 Chevrolet Trailblazer, which resulted in catastrophic injuries to both ejected plaintiffs, including brain injury and paralysis. In closing arguments, the plaintiffs' lawyers asked the jury to award in excess of \$80 million in damages, making this one of the largest product liability defense verdicts of the year. The jury also rejected all of plaintiffs' claims of defects related to the right rear tire.

The Takata defendants were represented by [Tom Branigan](#), [Jeffrey T. Gorcyca](#) and [Carmen Bickerdt](#) of **Bowman and Brooke LLP**, [Brian Baggot](#) and [Samantha Culp](#) of **Rumberger Kirk & Caldwell PA**. Michelin was represented by [Michael O'Donnell](#), [Edward Stewart](#), and [Theresa Wardon](#) of **Wheeler Trigg O'Donnell LLP** and [Michael Wiggins](#) and [Michael Correnti](#) and [Sarah A. Long](#) of **McDonald Toole Wiggins PA**.

Mr. Branigan, Bowman and Brooke Managing Partner and lead trial counsel for the Takata Defendants, called this "a very important defense verdict for the auto industry," adding that Takata relied on the physical evidence to show the Takata AB buckle at issue in the suit was not defective. "It does not unlatch as plaintiffs claim," he said. "The buckle is well built and not defective. If people are ejected from motor vehicles, 99 times out of a 100 it's because they weren't wearing a seat belt. Seat belts work when you wear them, and you should wear them."

"Michelin has a clear strategy to try more of these cases and defend the high-quality work of our engineers and our manufacturing processes," said Michelin spokesperson, Tony Fouladpour. "Our legal team has worked closely with Wheeler Trigg O'Donnell and McDonald Toole Wiggins, and we commend both firms for their work in this case and continuing to be instrumental in helping Michelin implement this strategy nationwide."

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