



VERDICTSEARCH

NEW JERSEY

CAMDEN COUNTY

PRODUCTS LIABILITY

Rollover — Design Defect — Failure to Warn

'88 Bronco II design blamed for rollover, brain damage

VERDICT **\$20,500,000**

CASE Kimberly Valentini v. Ford Motor Company, No. CIV 97-3365 (JLL)

COURT Camden County Superior Court, NJ

JUDGE Jose Linares

DATE 12/23/2005

PLAINTIFF ATTORNEY(S) John Lacey, Connell Foley (trial attorney) Jeffrey W. Moryan, Connell Foley (trial attorney), Roseland, NJ

DEFENSE ATTORNEY(S) Frank J. Nizio (lead), Bowman & Brooke, Troy, MI James S. Dobis (co-lead), Dobis, Russell & Peterson, Livingston, NJ Edward C. Stewart (co-lead), Wheeler Trigg Kennedy, Denver, CO

FACTS & ALLEGATIONS In July 1995, plaintiff Kimberly Valentini, 25, an employee at a manufacturing plant, was driving her 1988 Ford Bronco II in the middle lane on Interstate 95 in Virginia when, to avoid an accident, she attempted to merge into traffic in the right lane to avoid an accident, but when another driver thwarted her attempt by cutting her off, she swerved left, causing the SUV to flip over four times.

Claiming severe and permanent injuries, Valentini sued Ford Motor Co., Highland Park, Mich., for products liability (design defect and failure to warn).

Valentini's lawyers argued that the Bronco II's stability index, a rough measure of a vehicle's propensity to rollover, was not high enough, which increased its likelihood to roll in normal highway conditions. Plaintiff counsel also claimed that the Bronco II's rollover propensity is greater than any other SUV ever made, with the exception of one Jeep model, and that Ford could have prevented the rollover by widening the wheel track and lowering the vehicle, which would have cost the company \$82 per vehicle.

Valentini's lawyers argued that Ford was aware that the Bronco II had stability issues, yet sold it anyway and failed to adequately warn consumers of its dangers. Although the roof was crushed in the accident, plaintiff's counsel chose to focus the case on stability rather than on negligent roof and window design.

Ford's counsel argued that the Bronco II was adequately designed as a multi-purpose vehicle for off-road driving and highway use. The defense contended that before putting it into the stream of commerce, the vehicle was rigorously tested and that it did not pose a rollover risk and had a wide margin of safety.

INJURIES/DAMAGES brain damage; crush injury, hand; fracture, back; fracture, neck; fracture, skull; fracture, wrist

Valentini was rushed to the hospital via ambulance where she underwent four brain surgeries within a 24-hour period to save her life. She suffered fractures in her skull, neck, back, right (dominant) hand and right wrist. She had a total of 22 surgeries over the course of one year, with 13 involving her head trauma. She remained in and out of the hospital for 300 days over the course of two years. The front part of her brain does not work properly and she suffers from partial cognitive brain damage. She can talk and eat on her own but suffers from an inability to complete routine activities, such as getting dressed. Her brain can process that she needs to get dressed, but she cannot finish the task. She is currently in a residential counseling program aimed at rehabilitation. She was engaged at the time of the accident, but the wedding never took place.

Valentini sought an award for past medical bills of \$1.5 million, future medical bills of \$13 million, past and future lost earnings of \$1 million and an unspecified amount for past and future pain and suffering and disability. At the time of the accident she was making about \$35,000 annually.

The defense did not dispute damages.

RESULT The jury awarded Valentini \$20.5 million.

KIMBERLY VALENTINI

- \$1,500,000 past medical costs
- \$13,000,000 future medical costs
- \$5,000,000 compensatory damages
- \$1,000,000 past and future lost income
- \$20,500,000

TRIAL DETAILS

- Trial Length: 5 weeks
- Trial Deliberations: 1.5 days
- Jury Vote: 7-0 on design defect; 7-0 on failure to warn
- Jury Composition: 2 male, 5 female

PLAINTIFF EXPERT(S)

- Frank D. Tinari, Ph.D., economics, Livingston, NJ
- Mickey G. Gilbert, accident reconstruction, Golden, CO
- David Bilek, car design, Denver, CO
- Edward Karnes, labels & warnings, Morrison, CO

DEFENSE EXPERT(S)

- Lee C. Carr, design, Houston, TX
- Jeff Worth, accident investigation, Phoenix, AZ

—Gregg Kaysen