

The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

June, 2005

Statewide Jury Verdict Coverage

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Unbiased and Independently Researched Jury Verdict Results

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Notable Out of State Verdicts

Products Liability - The driver's death in a minivan crash was blamed on intrusion by the B-Pillar -- the theory regarding a deceased front-seat passenger was different, that estate alleging her defectively designed seat belt suddenly unbuckled

Mohr et al v. Daimler Chrysler,
CT-002433-03

Plaintiff: Larry W. Morris and Jeremy Knowles, *Morris Haynes & Hornsby*, Alexander City, AL and Richard E. Charlton, III, *The Winchester Law Firm*, Memphis

Defense: Lawrence A. Sutter, Cleveland and Joy Day, Franklin both of Sutter O'Connell Mannion & Farchione

Verdict: \$56,278,000 for Mohr estate (\$7.5 million subject to 54% comparative fault)

\$1.1 million for Heathscott estate less 45% comparative fault

Defense verdict on claims on Mohr and Jones

County: **Shelby**

Judge: Robert L. Childers
2-24-05

Vickie Mohr, age 35 and a factory worker from near Memphis, traveled through Arkansas on U.S. 67 in Clay County. She was in a 2000 Dodge Caravan, a minivan manufactured by DaimlerChrysler (Chrysler). Her mother, Maurine Heathscott, age 75, was a front-seat passenger. Vickie was belted -- whether Heathscott was wearing a seat belt would be disputed.

In the back seat behind Mohr was her sister, Carolyn Jones. Jones did not have on a seat belt. Next to her was Vickie's daughter, Victoria, then age 9. Victoria was only partially belted. She had the lap belt on, but the shoulder harness was behind her back.

There was a tragedy a moment later when a teenaged driver, Brent McAfee,

fell asleep and crossed the centerline. His Jeep hit the minivan in a catastrophic offset crash. McAfee's speed at impact was estimated at 33 mph -- the minivan was traveling at 40 mph. Both Vickie and her mother, Heathscott, were killed in this severe collision. In the back seat, Jones sustained an open-book pelvic fracture. Victoria suffered abdominal injuries related to her seat belt. [McAfee later pled to vehicular homicide charges.]

In this unusual products liability action against Chrysler, the four plaintiffs presented slightly different liability theories. Vickie's death was blamed on incursion by the minivan's B-Pillar. The minivan, it was alleged, was designed for head-on crashes -- however, it was unsafe for the much more common offset crash.

Plaintiff's key liability expert, James Mundo, Engineer, Canton, MI, suggested the minivan should have had crush initiators to lessen the blow. There was also proof from a whistleblower of sorts, Paul Sheridan, a former bigwig in Chrysler's minivan safety department. Sheridan indicated he advised the company of the defect during the design stage -- in a rush to production, his warnings were not heeded. [This proof focused on the minivan's failure of a certain crash test early in the design process.] Beyond compensatory damages, plaintiffs argued Chrysler put profits before safety -- a claim for punitive damages would go to the jury.

The claim of Heathscott, the front seat passenger, was different than Vickie's. It was postured that Heathscott was wearing her seat belt at the point of impact -- however, because of an unbuckling defect, it unlatched,