



## The Voice

### And The Defense Wins

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A jury in West Palm Beach, Florida returned a defense verdict in favor of Ford Motor Company and Key Safety Systems, Inc., on September 11, 2014, in an automotive product liability matter entitled *Sally Small, as guardian of Keanna Small v. Ford Motors Company and Key Safety Systems, Inc.*, 9:12-cv-80841-KAM, USDC, MD, FL. Key Safety Systems, Inc. was represented by [Michael P. Cooney](#) of [Dykema, PLLC](#), and [Greg Cesarano](#) and [Derek Harris](#) of [Carlton Fields Jordan Burt, P.A.](#) Ford Motor Company was represented by Seipp, Flick & Hosley LLP.

Plaintiff Sally Small, as guardian of her daughter Keanna Small, sued Key Safety Systems, Inc. and Ford Motor Company, alleging that Keanna Small was ejected from the front passenger seat of a 2002 Explorer during a rollover accident because of a defect in a seat belt supplied by Key Safety Systems, Inc. Plaintiff alleged that Ms. Small, who was 22-years-old at the time of the accident, was properly wearing her seat belt, but that a defect caused it to become “false latched” and to release during the crash. Ms. Small was ejected from the Explorer and sustained a traumatic brain injury.

Plaintiffs’ counsel asked the jury to return a verdict in excess of \$100 million, as compensation for \$2.2 million in past medical expenses, \$26 million for future medical and life care, and pain and suffering related to Keanna Small’s incapacitating injury. After a three-week trial in United States District Court in West Palm Beach, the jury returned a defense verdict in favor of Ford Motor Company and Key Safety Systems, Inc. after less than two hours of deliberation.

Plaintiffs’ testifying experts were Steve Syson (seatbelt design), Dr. Carley Ward (biomechanics), and Dr. Craig Litchblau (damages, rehabilitation, and life care plan). Mr. Syson and Dr. Ward manipulated the seatbelt buckle to suggest that it could be put in a “false latch” condition and then become unlatched due to inertial forces during a subsequent impact with the center console.

Key Safety Systems’ experts were Steve Bailo (accident reconstruction), Dr. Catherine Corrigan (biomechanics), and Greg Miller (seatbelt design). Key Safety executive James Scarpa testified, as well. Defendants’ experts presented bench and sled testing, which established the design integrity of the seatbelt buckle and disproved plaintiffs’ false latch and unlatch theories. They also provided testimony establishing that the absence of physical evidence on the seatbelt system and the plaintiff’s body supported the conclusion that the plaintiff was not wearing her seatbelt at any time during the accident.

“We are pleased that the jury was able to set aside their sympathy for Ms. Small’s unfortunate injuries and consider the technical evidence that rebutted Plaintiff’s defect claims,” said Cooney, Director of Dykema’s Litigation Department.

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