

News & Insights

Dykema Successfully Defends Ford Motor Company in Product Liability Case

March 7, 2012

BLOOMFIELD HILLS—Dykema, a leading national law firm, successfully represented Ford Motor Company (Ford) in a product liability jury trial in Jackson County, Missouri. After a six-week trial, a Jackson County jury returned a verdict in favor of Ford after two days of deliberations. The case involved a post-collision fire involving a 2003 Crown Victoria Police Interceptor (CVPI). The case is Michael Nolte and *Barbie Nolte v. Ford Motor Company*, (Circuit Court, Jackson County, Missouri, No. 03 CV 215677, March 5, 2012).

The case arose from a May 22, 2003 accident, which resulted in the death of Missouri State Trooper, Michael Newton, and burn injuries to Michael Nolte. The case was originally tried in 2005 to a verdict in favor of Ford, but the Supreme Court of Missouri ordered a new trial. Mr. Nolte and his wife, Barbie Nolte, were the only plaintiffs in the retrial.

The May 22, 2003 accident occurred at approximately 7:00 a.m. after Trooper Newton stopped Mr. Nolte on I-70 near Higginsville, Missouri. Trooper Newton parked his CVPI on the highway shoulder. His emergency lights were activated. Trooper Newton and Mr. Nolte were sitting in the front seats of the patrol car when Paul Daniel drove an F-350 towing a 32-foot trailer into the rear of the CVPI. The 13,000 pound truck-and-trailer combination was traveling approximately 65 mph at impact.

Plaintiffs asked the jury for more than \$47 million in damages, claiming the CVPI was defective because of the location of its fuel tank, the location and design of its filler neck and because of manufacturing defects in the welding of the rear structure. Ford showed the CVPI included various features which have made it the top selling police vehicle for nearly a decade, that it had met Ford's industry-leading rear crash requirements, including rear crash testing at 75 mph and that no vehicle was designed to perform in accidents of this severity.

"This accident and the injuries that occurred were clearly unfortunate, but Ford Motor Company's CVPIs are not defective," said James P. Feeney, lead counsel for Ford Motor Company and a member of Dykema's Litigation Department and Automotive Industry Team. "We are pleased to have worked with Ford Motor Company to see this matter through to a favorable completion."

Feeney, along with Clay A. Guise of Dykema's Bloomfield Hills, Michigan office and also a member of the Litigation Department and Automotive Industry Team, handled this matter.

Attorneys

James P. Feeney

Clay A. Guise

Practice Areas

Litigation

Product Liability

Industries

Automotive Corporate and Compliance

Automotive Government Policy & Practice

Dykema Successfully Defends Ford Motor Company in Product Liability Case (Cont.)

Automotive Industry Group

Automotive Intellectual Property

Automotive Plant & Environmental Issues

Automotive Product Liability Litigation

Automotive Supplier & Supply Chain Issues

Automotive, OEM & Supplier Business Services

Automotive, OEM & Supplier Litigation