

Verdicts, Settlements & Tactics

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Defense Verdict in Suit Alleging Defective Automobile Restraint System

Plaintiff fell as she exited a 1988 Ford LTD Crown Victoria designed and manufactured by Ford Motor Company ("Ford"), and distributed by Main Street Auto, Inc. ("Main Street"). The plaintiff alleged that the D-Ring, or guide, of the seatbelt mechanism was improperly designed and/or installed, causing the webbing of the seat belt to become caught in the guide rather than to retract into the retractor. She alleged that the webbing from the front seat became "pooled" in the backseat where she sat, causing her to trip and fall.

Ford and Main Street introduced the expert testimony of Orville Ritterling, an engineer employed by Ford Motor Company in the Design Analysis division. Mr. Ritterling has more than thirty (30) years experience in the field of automotive design and safety. He was actively involved in the formulation of national safety standards pertaining to automotive restraint systems. Through Mr. Ritterling's testimony, Ford and Main Street proved that the restraint system was a safe design, met or exceeded national safety standards, and was installed properly. They also demonstrated that the plaintiff must have been aware of the presence of the webbing on the floor in front of her before she attempted to exit the vehicle, and that she must have actually stepped over the webbing to avoid it prior to falling.

Injury: Fractured, displaced ankle; partial loss of use.

Result: The jury returned verdicts in favor of Ford and Main Street. The jury rendered a verdict in favor of the plaintiff against the co-defendant owner of the vehicle for negligent maintenance. The verdict was in the amount of \$100,000 but the jury also assigned 40% contributory negligence.

Plaintiff's Expert Witness: Daniel Harwood

Defendant's Expert Witness: Orville Ritterling, engineer employed by Ford Motor Company

Defendant's Attorney: Michael A. Fitzhugh and Laura J. Krims, Boston, MA

Sacchetti v. Ford Motor Company, No. 91-0892 (Norfolk Superior Court Mass. Feb. 7, 1997)

Comments

According to information provided by defendant's attorney, Michael A. Fitzhugh, Ford and Main Street filed a motion in limine to preclude the plaintiff's proposed expert, Daniel Harwood, from testifying about the alleged improper design and installation of the D-ring. The basis for the motion was that the proposed expert testimony failed to meet the criteria for admissibility set forth in *Daubert v. Merrill Dow Pharmaceuticals*, 509 U.S. 579, 113 S. Ct. 2786, 125 L.Ed.2d 469 (1993) and *Comm. v. Lanigan*, 419 Mass. 15 (1994).

The Court allowed the *Daubert* motion, preventing Harwood from providing any expert testimony that the seat belt was defectively designed or installed. However, the Court permitted Harwood to testify generally about the subject seatbelt, and to demonstrate the mechanism of the subject seatbelt and how it may have failed to retract in this case. The Court also permitted Harwood to testify about the testing he had preformed on the seatbelt.

The plaintiff also introduced into evidence a Technical Service Bulletin ("TSB") issued by Ford, which dealt with the issue of slow or no retraction of seatbelts in the type of vehicle at issue in the case. However, Ford and Main Street were able to demonstrate that none of the factors which caused the problems with retraction in the TSB were present in the specific vehicle in which the plaintiff was riding.

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