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## Father Killed, Son Paralyzed In Rollover

By: MO Lawyers Media Staff October 8, 2001

### Confidential Settlement

On Aug. 16, 1997 plaintiffs John Spurgeon and his son Steve Spurgeon were involved in a rollover accident in a 1992 Ford F-150 pickup after a collision with a 1990 Ford Probe, which drove into the path of the pickup from a side road.

The accident occurred at the intersection of Buckner-Tarsney Road and Highway 50 in Jackson County. The pickup ended up on its roof in a grassy median. The roof and supporting pillars were crushed and displaced to the belt line. Both John and Steve were wearing three-point seat belts. Steve, the driver, was rendered an incomplete quadriplegic. John died at the scene. Both suffered C6 over C7 subluxations and associated fractures. The delta V of the initial collision was approximately 30 miles per hour.

The plaintiffs presented evidence that Ford purposely reduced the strength of the roof and supporting structures in the 1980-1996 models to improve profits and that Ford's testing demonstrated that the roof crush performance was affected by the cost-cutting measures. The plaintiff claimed that this conduct violated Ford's declared safety policy and standards, which required it to continuously improve the safety of its products.

The plaintiffs also presented evidence that Ford continued this course of conduct after an internal light truck safety study in 1987 concluded that the improvement of the roof crush resistance of light Ford trucks should be given highest priority based on the increasing number of fatalities and injuries in rollover accidents. They argued that the technology to prevent or reduce these accidents was available to Ford and had been used in earlier F-series vehicles.

Ford presented evidence that the 1992 F-150 complied with all Federal Motor Safety Standards. Ford further claimed that the injuries sustained in the accident resulted from the severity of the accident and not from any alleged defect in the F-150.

**Type of Action:** Product liability

**Type of Injuries:** Incomplete quadriplegia, death

**Court/Case Number/Date:** Jackson County Circuit Court/00CV211611 and 00CV219026/September 2001

**Caption:** Spurgeon v. Ford Motor Company

**Judge, Jury or ADR:** Jury

**Name of Judge:** W. Stephen Nixon

**Verdict or Settlement:** Confidential

**Special Damages:** \$6.1 million medical/life care

**Allocation of Fault:** N/A

**Last Offer:** Confidential

**Last Demand:** Confidential

**Attorneys for Plaintiff:** Daniel T. DeFeo, Monsees, Miller, DeFeo, Mayer & Presley, Kansas City; and Duke W. Ponick Jr., Kansas City

**Insurance Carrier:** Confidential

**Plaintiff's Experts:** Larry L. Bihlmeyer, Port Charlotte, Fla. (automotive engineering/design); Dr. Joseph L. Burton, Alpharetta, Ga. (forensic pathology); Gary Carter, Peculiar, Mo. (mechanical inspector); Thomas J. Feahney, Rochester Hills, Mich. (automotive engineering/design); Robert Hooker, Englewood, Colo. (application/testing); Gerald L. Miller, Kansas City (economic loss); Dr. Gary M. Yarkony, Elgin, Ill. (rehabilitation medicine); Richard Ziernicki, Englewood, Colo. (accident reconstruction)

**Defendant's Experts:** Edward M. Caulfield, Naperville, Ill. (automotive engineering/design); Edward A. Moffat, Orinda, Calif. (biomechanic engineer); Larry F. Ragan, Detroit, Mich. (automotive engineering/design); Michelle Vogler, Novi, Mich. (accident statistics); Ronald Wooley, Provo, Utah (accident reconstruction).



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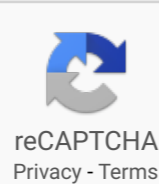
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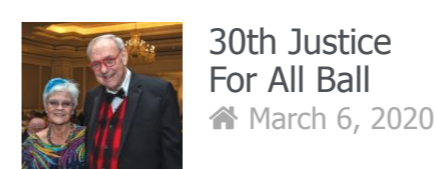
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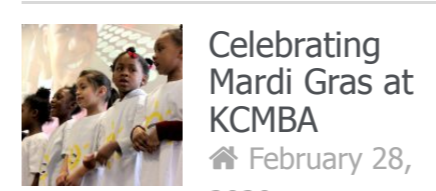
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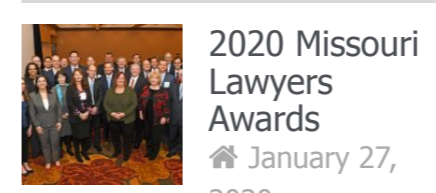
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