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Plaintiff wins suit against Ford over Explorer defects

Missouri lawyers handled case in California

By: Cathy Kingsley Special to the Countian July 11, 2010

Given the history of problems with the Ford Explorer's handling, a pre-trial offer of \$1.2 million in a case that left a woman a quadriplegic was a pittance to the \$23.4 million the jury allowed.

Cynthia Castillo, a 38-year-old single mom, was among Ford Motor Co.'s targeted group of "soccer moms" for the 4 million Ford Explorer SUVs sold in North America from 1990 to 2001, said Robert L. Langdon of Langdon & Emison in Lexington.

"Castillo's Explorer suited her active, athletic lifestyle she enjoyed at that time with her 7-year-old daughter," he said.

On March 23, 2007, Castillo's active lifestyle came to a halt when her left rear tire de-treaded on a California freeway. Castillo was unable to control the Explorer because of hidden handling defects, and the vehicle rolled down a steep embankment, Langdon said. Castillo suffered brain damage and is now a quadriplegic. She is completely dependent on care for the rest of her life, her attorney said.

Castillo filed a lawsuit against Ford and the companies who manufactured and installed the tires on her 1997 Ford Explorer. Ford denied responsibility for the accident and blamed it on the tires.

However, Ford had previous knowledge of many similar wrecks involving rear tire de-tread at freeway speeds, loss of control and rollover crashes in Ford Explorers, Langdon said.

Castillo's trial counsel argued that high-level management at the world headquarters in Dearborn, Mich., was aware of the handling defects. Counsel also presented 26 similar wrecks that Ford knew of from other litigated cases. In each of the 26 cases, the Explorer's handling defects resulted in death or serious injury, he said.

The plaintiff introduced evidence showing Ford spent \$3.5 million correcting the defect in Venezuela, but it ignored its own engineers' recommendations and chose not to spend \$500 million needed to fix Explorers in North America.

The trial included testimony from 17 fact and expert witnesses, and it lasted six weeks. The jury deliberated for three-and-a-half days and delivered a unanimous verdict.

The defendants' last pre-trial offer was \$1.2 million, said Phyllis A. Norman of Langdon & Emison.

Castillo is to receive \$13.4 million for past and future medical expenses and \$10 million for suffering and loss of life.

Defense attorney Warren Platt of Snell & Wilmer in Costa Mesa, Calif., could not be reached for comment.

Out-of-state

- \$23.4 million verdict

Products liability

- **Case Number/Date:** CIVRS 706262/ Feb. 18, 2010

- **Court:** Circuit Court of San Bernardino County, Calif.

- **Judge:** Martin Hildreth

- **Last Pre-trial Demand:** \$3.1 million

- **Last Pre-trial Offer:** \$1.2 million

- **Caption:** Cynthia Castillo v. Ford Motor Co.

- **Plaintiff's Attorneys:** Robert L. Langdon, Phyllis A. Norman and Adam W. Graves, Langdon & Emison, Lexington; Daniel. T. DeFeo, DeFeo Law Firm, Lexington

- **Defendant's Attorney:** Warren Platt, Snell & Wilmer, Costa Mesa, Calif.

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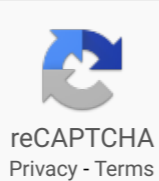
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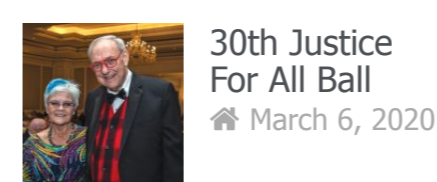
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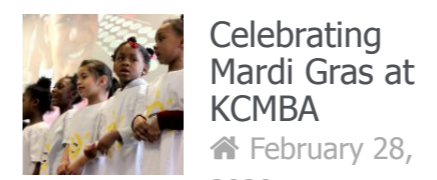
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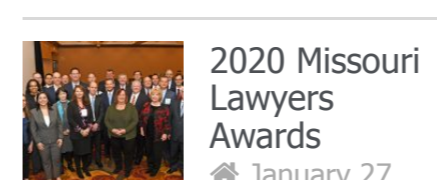
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