



And The Defense Wins

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DRI members [James A. Jennings III](#) and [J. Derrick Teague](#), partners with **Jennings Cook & Teague PC** of Oklahoma City, Oklahoma, and [Thomas N. Vanderford, Jr.](#), member and associate general counsel of **Hyundai Motor America** in Fountain Valley, California, recently obtained a defense verdict for Hyundai Motor Company, Ltd. and Hyundai Motor America in a case in U.S. District Court for the Western District of Oklahoma. The plaintiff was represented by the Oklahoma City firm of Merritt & Associates, P.C.

The plaintiff alleged that the seat belt, the roof and the side window glazing in the defendant's 1999 Hyundai Sonata was defective and negligently designed, causing or contributing to her permanent injuries (quadriplegia) sustained during a rollover crash that occurred near the intersection of Interstate 44 and S.W. 59th Street in Oklahoma City, OK, on December 19, 2003. The plaintiff claimed the roof and the pillars that support the roof were not designed to withstand the force of accidents, particularly rollovers. She also charged that the seat belt was defectively designed so as to allow the buckle to inadvertently or inertially unlatch, allowing for the plaintiff's ejection from the vehicle. The plaintiff further alleged that the side window glazing system was defectively designed in a manner that fails to retain occupants, allowing for the plaintiff's ejection from the vehicle. She claimed more than \$10 million for future medical bills and treatment and further alleged the loss of enjoyment of life and past and future pain and suffering. Finally, she sought damages for the negligent infliction of emotional distress upon her three minor children, who were in the rollover crash and witnessed her injuries.

The defendants denied that the product was defective or unreasonably dangerous. They maintained that no defect existed and that the vehicle's design complied with all applicable safety standards. They further contended that the plaintiff was not wearing her seat belt and that the force of the accident caused her injuries. Following four days of *Daubert* hearings before the trial, the defendants successfully precluded the testimony of the plaintiffs' seat belt design expert about inadvertent unlatching and the testimony of the plaintiffs' roof design expert about testing performed on the Jordan Rollover System apparatus.

The trial lasted for 13 days. On March 2, 2010, after deliberating for one hour and five minutes, the jury found in favor of the defendants and against the plaintiff.

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