



Screening Automotive Products Liability Cases

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Why Screen APCs?

- Expensive
 - \$ 15,000 to thoroughly review & decline
 - \$ 50,000-\$75,000 to settle before reports
 - \$ 250,000-500,000 to testing and depositions
- Technical & Time Consuming
- So, can't afford to make bad decisions

APC Screens

- Universal APC Screens
- Defect Specific Screens

UNIVERSAL SCREENS

Universal APC Screens

- *Requisite Damages*
 - *Death*
 - *preferably breadwinners*
 - *no or low liens*
 - *Injury Cases*
 - *100k meds &*
 - *Ongoing Care or Permanent Impairment*

Universal APC Screens

- Drug/Alcohol
 - Your Client = NO
 - Your Driver = PROBABLY NO
 - Bullet Driver = WELL, MAYBE
- High ΔV (Crashworthiness Cases Only)
 - “No one should have been hurt in this wreck”
 - Not “How did anyone survive?”

Universal APC Screens

- Medical Causation
- Seatbelts
- Available Easy Money

SPECIFIC DEFECTS

Specific Defects

- Crash Profile
- Mechanism of Defect
- Injury Profile

Unintended Acceleration

- Crash Profile
 - In cruise
 - While braking
 - Other OSI as Well

Unintended Acceleration

- Proof Issues
 - Prior Documented Complaints
 - Damage to Brakes
 - A/R Absence of Expected Speed Reduction with Evasive Action
 - Black Box Data Show On Throttle & High Speed
 - Third Party Witnesses
 - Driver & Passenger Testimony

Unintended Acceleration

- Mechanism of Defect
 - Floor Mats
 - Sticky Pedals
 - But really electronic throttle problems
 - Look at (2002 and beyond—Lexus & Toyota)
- SAD
 - Brake/Throttle Override
 - Suggested Recalled Items
- Injury Profile
 - All

Airbag Failure to Deploy

- Crash Profile
 - Crush to sensor zone
 - Impact severe enough to trigger airbag firing
- Mechanism of Defect
 - Sensor (number, locations); Failure to reset,
- Injury Profile
 - Head trauma without other life threatening injury

Airbag—Deployment Injuries

- Crash Profile
 - Deployed Airbag & Less 15 mph
- Mechanism of Defect
 - Trigger set too low
 - Airbag too aggressive
 - Late deployment
- Injury Profile
 - Broken neck, small female driver
 - Eye, face ear and arm injuries

Canopy Airbags

- Crash Profile
 - Rollover & ejection
 - T-bone & partial ejection
- Mechanism of Defect
 - Failure to Include (2002 & later)
- Injury Profile
 - Post ejection injuries
 - Head Injury (for partial ejection)

Electronic Stability Control

- Crash Profile
 - Yaw / Over Correction Before Crash
- Mechanism of Defect
 - ESC works by automatic control inputs
 - All cars should have
- Injury Profile
 - Any injury caused in the wreck

Buckles—Inertial, Partial, Unintended

- Crash Profile
 - Usually Rollover (not partial)
- Mechanism of Defect
 - Inertial
 - Contact with Release Button
 - Never Fully Engaged
- Injury Profile
 - Post Ejection Injuries or Interior Strikes

Seatbelts—ABTS & Pretensioners

- Crash Profile
 - Usually Rollover, B-Pillar Crush or Seatback Failure
- Mechanism of Defect
 - ABTS & Pretensioners Work
 - Vehicles Should Have Them
- Injury Profile
 - Ejection or Partial Ejection Injuries

Seatbelts—Retractor Failure

- Crash Profile
 - Rollover or Frontals
- Mechanism of Defect
 - Skip Lock
 - Engagement Failures (Pendulum)
- Injury Profile
 - Ejection, Partial Ejection & Interior Strikes

Seatbelts—Other

- Lap Only or Shoulder Only
- Door Mounted
- Web Failures
- Window Shade

Tires—Detreads & Failure Warn

- Crash Profile
 - Tire Failure Signatures Before Loss Control
 - Eliminate Other Causes
- Mechanism of Defect
 - Detread (Improper bonding b/t layers)
 - No Warnings Old Tires
- Injury Profile
 - Any Injury Caused in Wreck

Stability

- Crash Profile
 - On Road Roll
 - Yaw ends abruptly followed by roll marks
 - Paved, Smooth, Dry
 - No Curbs, Potholes, Other Vehicle Contact
- Mechanism of Defect
 - High CG & Narrow Track Width
- Injury Profile
 - Any injury in crash

Roof Crush

- Crash Profile
 - Flat Smooth Rd, No Drops or Other Veh. Contact
 - Roof Crush near or beyond headrest
- Mechanism of Defect
 - Weak Structure
 - Weight
 - Suicide Doors
- Injury Profile
 - C Burst Fractures
 - Positional Asphyxiation
 - Some Head Injuries

Fire Cases

- Crash Profile
 - Survivable with Occupant Area Fire Damage
 - Origin in Tanks, Fuel Lines, Electrical System
- Mechanism of Defect
 - Varied
- Injury Profile
 - Burns in the absence of other life threaten injury

Glass

- Crash Profile
 - Broken Tempered Glass with Partial Total Ejection
- Mechanism of Defect
 - Add Laminated Glass
- Injury Profile
 - Ejection or Partial Ejection Injuries

Seatback Failures

- Crash Profile
 - Rear Impact
 - Lower Speed
 - Seatback Failure
- Mechanism of Defect
 - Varied
- Injury Profile
 - Ejection Partial Ejection Injuries

Others

- Child Restraints
- Forgotten Child
- Park to Reverse
- Inadequate Side Impact Protection
- Door Latch & Lift Gate
- Trunk Shielding



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