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SunTrust Bank, Member FDIC

From the February 14, 2000 North Carolina Lawyers Weekly.

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Verdicts & Settlements

Negligence/Auto

Passenger Injured In Wreck - Hit Head On Front Pillar - Quadriplegia - Sued Carmaker For Defective Restraints - \$2.8 Million Confidential Mediated Settlement

Brief Statement of Claim: The plaintiff, then a high school student, was a belted, front seat passenger in a car driven by the mother of a friend. In the back seat were several other girls. The girls, all volley ball players, were going from house to house, toilet-papering the yards of other players on their team.

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At one house, the girls heard someone coming and told the mother who was driving to pull away. Not far down the street, she lost control and hit a tree with the passenger's side of the car.

The plaintiff apparently hit the top of her head on the front pillar of the car, causing compression fractures of her C3-C4 and T5-T6 vertebrae and quadriplegia.

The defendant driver offered the limits of her small policy. Suit was filed against the maker of the automobile, alleging failure of the occupant restraint system, including the seat belt and seat back. The plaintiff further contended that the failure of the passive seat belt restraint system caused the plaintiff's injuries.

Principal Injuries (in order of severity): Quadriplegia

Special Damages: Medical bills of \$732,000

Tried or settled: Settled

County where tried or settled: Confidential

Case Name and number: Confidential (North Carolina Superior Court)

Date Concluded: August 1999

Name of Judge: none

Amount: \$2.8 million

Insurance Carrier: Confidential

Expert Witnesses and areas of expertise: Confidential

Attorneys for plaintiffs: Doug Abrams and Don Beskind of Twigg, Abrams, Strickland & Treh, P.A., Raleigh; Mike Wells and Bo Drew, Winston-Salem

Other Useful Info: The carmaker's defense was that any failures were due to the two or three unbelted girls in the back seat striking the rear of the plaintiff's front seat with more forward force than the seat was intended to withstand.

The car manufacturer further contended that the plaintiff's injuries resulted from the plaintiff striking the roof of the car, which could happen under the circumstances of the crash without any failures of the seat back or passive restraint system.

The plaintiff's experts included an engineer who had formerly been employed by a car manufacturer and who had worked on similar seats. The plaintiff also retained an accident reconstruction expert who analyzed the wreck sequence and created a computer animation. Under this animation, the failure of the passive restraint system and the failure of the seat to incorporate a locking mechanism was vividly demonstrated.

After several mediations, the case settled for a total of \$2.8 million, including the limits of the defendant driver's insurance.

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