

PRODUCTS LIABILITY**Airbag — Seat Belts****Airbag failed to deploy;
woman's face struck windshield****SETTLEMENT** **Confidential**

CASE Sheryl Renae Goforth v. General Motors Corp. and Takata Corp.,
No. 3:06-cv-02076

COURT United States District Court, Northern District, Dallas, TX

JUDGE Sam A. Lindsay

DATE 5/23/2008

PLAINTIFF

ATTORNEY(S) Jeffrey T. Embry (lead), Hossley & Embry, L.L.P., Tyler, TX

DEFENSE

ATTORNEY(S) J. Karl Viehman (lead), Hartline, Dacus, Barger, Dreyer & Kern, L.L.P., Dallas, TX (General Motors Corp.)
Thomas M. Bullion III, Germer Gertz Bearman & Brown, Austin, TX (Takata Corp.)
Brian Rawson, Hartline, Dacus, Barger, Dreyer & Kern, LLP, Dallas, TX (General Motors Corp.)
Cary A. Slobin, Hartline, Dacus, Barger, Dreyer & Kern, L.L.P., Dallas, TX (General Motors Corp.)

FACTS & ALLEGATIONS On July 29, 2005, plaintiff Sheryl Renae Goforth, age and occupation not given, was a front-seat passenger in a 2005 Chevrolet Cobalt traveling west on Highway 377 in Granbury when the sedan collided with the side of a pickup truck at an intersection, causing the pickup truck to roll over. The car's passenger-side airbag system was designed by the General Motors Corp., while the passenger-side seat belt was manufactured by Takata Corp., a Japanese corporation. Her forehead struck the windshield.

Goforth sued GM and Takata, for products liability, alleging that the airbag failed to deploy, despite expressly warranting in the car's owner's manual that it would deploy in frontal collisions at speeds as low as 12 mph to 16 mph. She also claimed the seat belt failed to restrain her because it was defectively designed.

The defense argued that the drivers were fully to blame for any injuries she sustained in the crash. The defendants claimed both the airbag and the seat belt were fully in compliance with all federal safety standards. The defendants also claimed the seat belt did not show the signs of strain it would have if Goforth was wearing it at the time of the crash. The crash did not have a sufficient frontal component for the airbag to

deploy, and claimed the cited passage in the owner's manual referred to a head-on crash with a stationary object such as a wall, not another vehicle.

INJURIES/DAMAGES *face; lacerations; scar and/or disfigurement, facial*

Goforth's face struck the windshield, resulting in severe lacerations of the forehead and left upper eyelid. The lacerations required plastic surgery, and she claimed she will require further medical treatment in the future. She claimed past medical bills of \$150,000. She claimed she is still unable to elevate her left eyebrow and has no feeling in her forehead. She sought an unspecified amount for past and future pain and suffering, medical expenses and physical impairment.

RESULT The parties settled before trial for a confidential amount.

PLAINTIFF

EXPERT(S) Andy Irwin, accident reconstruction, Dallas, TX

DEFENSE

EXPERT(S) Lisa A. Stacey, automotive, Warren, MI
Jack Yee, airbags, Warren, MI

EDITOR'S NOTE This report is based on information from court documents and provided by plaintiff's counsel and counsel for GM. Counsel for Takata did not return the reporter's phone calls.

—Rick Archer

EMPLOYMENT**Race Discrimination — Hostile Work Environment****Man claimed racist remarks,
hostility forced him to quit job****DECISION** **Defense**

CASE James Cavalier v. Clearlake Rehabilitation Hospital Inc., No. 4:07-cv-00678

COURT United States District Court, Southern District, Houston, TX

JUDGE Gray H. Miller

DATE 5/12/2008

PLAINTIFF

ATTORNEY(S) Anthony P. Griffin, Galveston, TX

DEFENSE

ATTORNEY(S) Timothy T. McInturf (lead), Littler Mendelson P.C., Houston, TX