



TOP STORIES

OUR REGION

A juror in the trial of convicted cop killer Marco Antonio Topete requests removal from the death-penalty deliberations. B1

It's porn weekend at Rolling Hills Christian Church — two days of workshops discussing faith and porn and why it has become such a problem for men. B1

SACRAMENTO SUPERIOR COURT

Huge penalty in Ford suit

\$73 MILLION AWARDED IN 2004 DEATHS AND INJURIES TIED TO TIRE DEFECTS

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Plaintiffs' lawyers turned down a settlement offer from the Ford Motor Co. in the middle of jury deliberations and were rewarded Thursday with a

verdict that found the auto giant liable for \$73 million in damages.

Attorney Roger A. Dreyer said he got the call from Ford's lawyers at 5:30 a.m. Wednesday saying, "We have money to offer you."

Dreyer said he told Ford the time to settle was long past. The case, he said, demanded public accountability, for what he characterized as a major corporation's "despicable" conduct in failing to notify consumers its vehicles were equipped with defective tires subject to a recall.

With a verdict believed to be the largest of its kind in Sacramento history, Dreyer said the jury's message es-

tablished a resounding standard on holding giant corporations such as Ford accountable.

"If we would have talked resolution with Ford, they would have required it to be confidential, such that the public would never know what this jury determined," Dreyer said.

In a 10-2 vote, the jury found Ford negligent for the April 9, 2004, crash **FORD | Back page, A18**

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FROM THE COVER

Ford: Jury agreed tire danger was kept secret

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that killed two members of the Fair Oaks Presbyterian Church and injured two more.

On the way home from a statewide musical tour, the church caravan had just pulled onto Interstate 5 at the bottom of the Grapevine for the final stretch on its return home to the Sacramento area.

Witnesses at trial said the 15-passenger E-350 Econoline van began to shake, the result of a tread separation on the same type of tire that Goodyear, two years earlier, had notified Ford was defective.

Driver William Brownell, 48, pulled the van into the center median, and when he tried to turn back to the right, the vehicle spun sideways and rolled over four times, killing him and his shotgun-sitting passenger, Tony Mauro, 41.

Plaintiffs charged in their 2006 lawsuit against Ford that the company never told its dealers about Goodyear's

2002 notification that the tire was the subject of a replacement program.

Dreyer, in his arguments at the close of trial, said Ford sat on the information, because at the time the company was coming off the \$2 billion Firestone/Explorer recall. The last thing it needed, he said, was more bad publicity about defective tires and vehicles prone to rollovers.

The Sacramento Superior Court jury found the argument persuasive.

Jury foreman Michael Martin, 31, raised a clenched fist when the panel was polled on the last of its 17 verdicts: the \$50 million punitive damages award against Ford for its finding that the company acted out of "malice or oppression" in not passing along the information about the bad tire.

"For a company that is that large and a company that has gone through several of those experiences in the past, for

them to not make the choice to make as many people aware as possible — just to increase the odds that more people would get those tires off their vehicles — that, to me, that's why I did the fist at the end," said Martin, a project manager for Cisco.

In his closing comments, Dreyer excoriated three Ford officials who never testified at trial and let their clipped responses in pretrial depositions do the talking for them.

Martin said he found the Ford men disturbing.

"They knew at the time people had died," Martin said. "And their reactions were extremely cold and calloused, and I felt they were treating this situation as another piece of business."

The jury also found the van's design as having failed "to perform as safely ... as expected."

Ford issued a statement saying it plans to appeal. The com-

pany said it was "disappointed" and characterized the reward as "unfair." The company's lawyers argued during trial that the deaths would not have occurred if Brownell and Mauro had been wearing their seat belts.

"This tragic event ... could have been prevented with proper seat belt use by the vehicle occupants," Ford's post-trial statement said.

In returning verdicts on their fifth day of deliberations, jurors did find that Mauro, like Brownell, was not wearing a seat belt. But the panel determined that wearing a seat belt would not have mattered, Martin said.

Mauro's wife and two sons were awarded \$17.5 million by the jury. The panel held Ford responsible for 59 percent of the fault and Goodyear 41 percent. Goodyear, which already has settled with the plaintiffs, was not a defendant. The panel attached no responsibil-

ity to Mauro for his death.

Mauro's wife, Susan, appeared both stunned and relieved by the award.

"There's no amount of money that will bring my son's father back," she said. "I'm happy that Ford is being held accountable for their part in this accident for not disclosing information that could have changed the vehicle and its safety."

Brownell's survivors had previously settled their lawsuits.

Plaintiff Marlene Shirley, who sustained severe abdominal injuries, was awarded a separate \$5.2 million. She had her seat belt loosely fastened while she slept on a middle seat. Ford's lawyers said the loosely fastened belt was the reason for her injuries. The jury found Shirley 1 percent responsible, Ford 58.5 percent and Goodyear 40.5.

A third plaintiff, Alexander Bessonov, who suffered lacerations,

was awarded \$292,000.

Most of the jury's findings came on 10-2 and 9-3 votes. The jurors who voted against Ford's negligence and the punitive damage award left court without comment.

The jury's findings that Ford was only 59 percent responsible will not apply to the punitive damages award, according to Dreyer. Judge David W. Abbott is expected to schedule hearings to determine how the \$50 million will be split among the plaintiffs.

"A manufacturer cannot have information that deals with the very fabric of human life, of being alive or being dead, and keep that information to themselves," Dreyer said. "When corporate arrogance is so clearly palpable in a case like this, there is no excuse for them not providing that information."

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