

ON MARCH 3, 1991, Therese Hunter was driving her two sons to a swim meet in Palatka, Fla.

Friday, February 17, 1997

THE NATIONAL LAW JOURNAL

VERDICTS AND SETTLEMENTS

General Motors Liable For Injuries From Van Accident

CASE TYPE: Products Liability
CASE: CARTERSON V. General Motors Corp., 93-029356-CA (Cir. Ct., Duval Co., Fla.)

PLAINTIFFS' ATTORNEYS: Christian Perry and Lance Block, of West Palm Beach, Fla.; Searcy, Denney, Sorenson, & Coker, of Howard Coker, Coker, Myers & Schickel, of Jacksonville, Fla.

diagnosed with a brain tumor. By this time, in late 1983, said Mr. De Blasio, the tumor had greatly increased in size. Mr. Baumgarten underwent radiation treatment, which killed the tumor but caused such damage to surrounding tissue that he lost vision in his right eye.

Public & Sittles
CASE TYPE: Products Liability
CASE: Sh... Inc. 5

Woman awarded \$25 million in 8-week trial

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sons to a swim meet in Palatka on March 3, 1991.

GM Ordered to Pay \$25 Million to Motorist

Jacksonville, Fla., jury awarded \$25 million in compensatory damages to motorist who suffered brain injury in car crash involving Chevrolet van.

Woman wins \$25 M lawsuit against GM

By Jane D. Bell
Times-Union staff writer

On December 20, 1996, at the conclusion of an eight week trial, a Jacksonville, Florida jury awarded \$25,418,500 in compensatory damages to the guardianship of 46 year old Therese Hunter as a result of the brain injuries she suffered in a 1991 automobile collision. The verdict is the largest compensatory damage verdict for a single personal injury case in Florida.

Therese Hunter and her family were represented by Chris Searcy and Lance Block from our firm, and Howard Coker of Coker Myers Schickel & Sorenson,

Dolphins change coaches — Sports, C-1 | Simpson to get children back —

The Florida Times-Union

Saturday, December 21, 1996

New cold front

Jurors poised to punish GMC for faulty minivan

By Jane D. Bell
Times-Union staff writer

A juror maintained her crash was not the cause of the rear end collision.

day to hear testimony and argument to help them decide how to punish General Motors Corp. if their verdict is in favor of the plaintiffs. The award is set to be paid in installments, legal experts said. Attorneys in the case have been ordered not to discuss it until its conclusion, expected Friday. The jury has already sat through the longest civil trial in Duval County Court history. Jurors heard eight

See GMC, Page A-6

GMC up before same jury

By Jane D. Bell
Times-Union staff writer

Jury's award

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a Jacksonville law firm, who presented the claims of Mrs. Hunter's former husband, Sidney Hunter, and their two teenaged boys, Richard and Damien Hunter.

The incident occurred on March 3, 1991, as Mrs. Hunter, then 41 years old, was driving her two sons from their home in Jacksonville to a swim meet in Palatka, Florida, when the driver of a pick up truck failed to yield the right of way and struck the left front corner of Mrs. Hunter's 1990 Chevrolet Astro van. **Continued on Page Eight.**

HUNTER v. GMC

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The impact deflected the front end of Mrs. Hunter's van into a 20 inch concrete utility pole at approximately 30-35 mph, causing the steering column to rise up into her face. As a result, the steering wheel hub and spokes violently fractured multiple facial bones, ripped her left jaw from the skull, sliced a through-and-through laceration to her cheek, and left Therese Hunter severely brain injured. Her boys were rendered temporarily unconscious but suffered no permanent injuries as a result of the collision. On the other hand, Therese Hunter was comatose for approximately one month and spent the next one and one-half years in hospitals and rehabilitation centers. Mrs. Hunter presently lives in a nursing home facility in Miami and requires full time supervision.

Mrs. Hunter's father and legal guardian, Dr. Jesus Carmona, brought suit against General Motors Corporation, the manufacturer of the Chevrolet Astro van, Jerry Hamm Chevrolet, Inc., the dealership that sold the van to the Hunters, and James Hagen, the driver of the pick up truck that caused the collision. The jury found that General Motors was liable for defective design, negligence and willful and reckless disregard for human safety. The jury also found that Jerry Hamm Chevrolet sold a defective product. The jury determined that the driver of the pick up truck, James Hagen, did not cause Mrs. Hunter's brain injuries and was therefore not liable, which was the plaintiffs' position as well.

The parties called more than a dozen expert witnesses and General Motors engineers during the course of the eight week trial. Thousands of pages of documents and hundreds of crash tests were sifted through during the trial, including frontal crash tests of the Astro van by

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General Motors and the National Highway Traffic Safety Administration. "We proved through the crash tests and GM's own internal studies that there is a 60-95% chance of brain injury to the seatbelted drivers of Astro vans in 35 mph crashes when there is no airbag available on the driver side," said Lance Block, who presented the liability portion of the case.

The major design defects contributing to the steering column hazard were the shortness of frontal crush zone, the mounting of the steering column onto the fire wall, the lack of energy absorption material on the steering wheel, and the failure to equip the vehicle with a driver's side airbag. Because of these design defects, the Chevrolet Astro van steering column has a tendency to forcefully rise up into the seatbelted driver's face in a 30-35 mph frontal collision.

Block said that General Motors documents indicated that GM engineers knew of the defect before the first Astro van was sold to the public in 1985; however, no design changes specifically aimed at reducing the risk of head injury was implemented until 1992, when Federal Motor Vehicle Safety Standards required such changes.

GM defended the case in part by claiming that the van has a good on-the-road crash record. Those statistics, however, are misleading as to the crashworthiness of the vehicle according to Searcy and Block. "Minivans in the 90's are to the family transportation market what the station wagon was in the 60's and 70's," said Block. "They are driven by mothers and fathers in the suburbs and carry life's most precious cargo - our children,"

Block said. Statistics show that the drivers of minivans are one of the safest driving markets and are considered to be low risk accident drivers, Block points out. "In designing minivans, the automobile manufacturers have been counting on the safe driving habits of minivan operators rather than building safer, more crashworthy vehicles."

Searcy and Block argued that General Motors failed to improve the crashworthiness of the Astro van as a cost cutting measure, and that the auto giant relied



on the safe driving profile of minivan drivers until federal safety standards required more crashworthy features.

Therese Hunter's damage verdict is the largest in Florida and one of the largest in the nation. "This is an enormous tragedy and it caused Therese Hunter to lose everything - her family, her intelligence, her ability to communicate, her independence and her dignity," said Searcy, who presented Therese Hunter's damages and the punitive damages issues. "It is simply an unimaginable catastrophe, and the verdict accurately reflects the magnitude of all that Therese has lost," said Searcy. The six woman jury found that

Therese Hunter's human damages, which include bodily injury, pain and suffering, mental anguish, disfigurement, and loss of enjoyment of life, to be \$15,000,000. The jury also awarded Mrs. Hunter \$10,000,000 in future care costs, and \$418,000 for past economic losses, including medical care.

The punitive damage phase of the trial began on January 29, 1997. After nearly three days of evidence presented by both sides, the entire case was settled for a confidential amount. Therese Hunter's

father and guardian, Dr. Jesus Carmona, a Miami dentist, made the decision to accept the confidential settlement. "I believe it was in Therese's best interest to secure a settlement now so that she will have the funds for her much needed therapy and

care," said 78 year old Dr. Carmona. "Now I know Therese will be properly taken care of, as she deserves."

Since the verdict, the case has been the subject of intense media coverage, including network television news segments, the Associated Press and Reuter's Wire Services, and newspapers from around the country, as well as numerous legal publications, including the National Law Journal and the Foundation for Public Justice.

The case was the longest civil trial in Duval County history and was presided over by Senior Judge Lawrence Fay. ■

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