



## **HDBD Partner Brian Rawson Obtains Unanimous Defense Verdict In Automotive Product Liability Case**

In December 2010, Brian Rawson was a member of the HDBD trial team that successfully defended Lone Star Buick-GMC II, L.P. in an automotive product liability case in Dallas, Texas, against Plaintiffs' counsel Lee Brown.

Plaintiff Heather Kaul purchased the subject 2006 Pontiac G6 new from Lone Star in March 2006 without the optional side airbag package. On November 14, 2008, the G6 was involved in a side impact collision when a 2003 Jeep Cherokee struck the G6 on the driver's side behind the B-pillar and above the beltline. Plaintiffs alleged Heather suffered from a traumatic brain injury and cervical spine fractures at C2 and C7 when her head struck the roof rail in the crash. Plaintiffs also alleged that Heather's ten-year-old daughter suffered a bystander injury in the crash.

Plaintiffs originally filed this lawsuit against General Motors Corporation and Lone Star claiming that the G6 was defectively designed and unreasonably dangerous because it was not equipped with a side airbag system to minimize head and/or neck injuries in side impact collisions, the side structure failed to reasonably minimize head and/or neck injuries, and the vehicle was defectively marketed because Lone Star failed to adequately warn or instruct its consumers about the hazards associated with the vehicle model in side impact collisions. Plaintiffs severed GM from the lawsuit in July 2009 due to bankruptcy.

Plaintiffs' retained expert, Geoffrey Mahon, provided opinions that the G6 was defectively designed and unreasonably dangerous. His theory was the G6 should have been equipped with an alternative side airbag system that employed a second airbag crush zone sensor aligned with the C-pillar. Plaintiffs also retained Robert Caldwell to address reconstruction and Richard Stalnaker on injury causation.

With the assistance of experts Brent Benson, Catherine Ford Corrigan, and Karen Balavich, Lone Star argued five main points: (1) the crash and resulting injuries of Heather and Amy Kaul occurred because the driver of the Jeep Cherokee failed to properly operate her vehicle; (2) the 2006 Pontiac G6 was well designed, thoroughly tested, and exceeded the requirements of the Federal Motor Vehicle Safety Standards with or without a side impact airbag; (3) the G6 had an optional side impact airbag available for customers that wanted it; (4) no side impact airbag system would have prevented the injuries caused by this severe crash; (5) because GM designed and Lone Star sold a reasonably safe vehicle, and because they did not cause the crash or resulting injuries, it is unfair to blame the G6 for the injuries in this case.

The Dallas County jury of seven men and five women returned a unanimous defense verdict on December 22, 2010.

