

Lack of electronic stability controls blamed for crash

June 11, 2009

Amount:	\$0	Type:	Settlement
Court:	Hidalgo County District Court, 370th, TX		
Case Name:	Pedro Barajas and Marisela Barajas, individually and as co-administrators of the Estate of Marisela Barajas, deceased and as next friends of an unnamed minor v. The Wackenhut Corp., Ford Motor Co., WMK Inc. d.b.a. Mobility Works, and GELCO Corp. d.b.a. GE Capital Fleet Services, No. C-2674-07-G		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Jeffrey G. Wigington; Wigington Rumley Dunn, L.L.P.; Corpus Christi TX for Marisa Barajas• Luis A. Elizondo; The Huerta Law Firm; Corpus Christi TX for Marisa Barajas• Fernando G. Mancias; Law Office of Fernando G. Mancias, PLLC; Mission TX for Marisa Barajas• Joseph E. Ritch; Wiginton Rumley Dunn; Corpus Christi TX for Marisa Barajas• Javier Davila; The Huerta Law Firm; Corpus Christi TX for Marisa Barajas		
Defense Attorney(s):	<ul style="list-style-type: none">• Jaime A. Saenz; Rodriguez, Chaney & Saenz; Brownsville, TX for Wackenhut Corp., Ford Motor Co.• Robert L. Guerra; Thorton, Biechlin, Segrato, Reynolds & Guerra; McAllen, TX for WMK Inc.• Damon D. Robertson; Savrick, Schumann, Johnson, McGarr, Kaministi & Shirley; Austin, TX for GELCO Corp.		
Facts:	<p>On Oct. 25, 2007, plaintiff's decedent Marisela Barajas, an employee of the Wackenhut Corp., was driving a Ford E-350 cargo van from Los Fresnos to Laredo in the course of her employment. The van had been modified after its manufacture by WMK Inc. and leased to Wackenhut by the GELCO Corp. While approaching a curve, the van left the road and rolled over. Barajas sustained fatal injuries.</p> <p>Barajas' parents, individually and on behalf of her estate and her minor child, sued Wackenhut, Ford Motor Co., WMK Inc., and GELCO Corp., for product liability, alleging that the van was inherently unstable and lacked electronic stability controls, and this constituted a design defect, which was the cause of the crash. The plaintiffs also claimed that the van had an inadequate roof structure, causing it to collapse when the van rolled over and leading to Barajas' death. The plaintiffs claimed that GELCO and Wackenhut were liable for purchasing and leasing the van despite public knowledge of the defects, and WMK was liable for modifying the van without performing handling and stability tests, making the stability defects even more pronounced.</p> <p>The defendants denied the lack of electronic steering controls was a defect. They argued that the van left the road solely due to Barajas' negligence, and argued that electronic stability controls would have been ineffective while off the road and could not have prevented the rollover.</p> <p>The plaintiffs originally named the state Department of Transportation in the suit, claiming that the road was defectively designed and constructed, but the plaintiffs nonsuited it before trial.</p>		
Injury:	Barajas sustained fatal injuries in the crash. The family sought an unspecified amount in damages.		
Result:	The parties reached a confidential settlement before trial.		
Judge:	Noe Gonzalez		