

Center rear seat belt buckle failed in collision, family argued

March 01, 2009

Amount:	\$0	Type:	Settlement
Court:	Tom Green County District Court, 340th, TX		
Case Name:	David Campos and Ember Martinez, individually and as the natural parents of Andrea Campos and as surviving parents of David Andrew Campos, deceased v. Tom Green County and Richard H. Silvas, and Ford Motor Company, No. C-07-0347-C		
Plaintiff Attorney(s):	<ul style="list-style-type: none">Joseph E. Ritch; Wigington Rumley Dunn, L.L.P.; Corpus Christi TX for Ember Martinez		
Defense Attorney(s):	<ul style="list-style-type: none">Julie Albright; Thompson, Coe, Cousins & Irons, L.L.P.; Austin, TX for Ford Motor CompanyWilliam K. Davis; Hay, Wittenburg, Davis, Caldwell & Bale, LLP; San Angelo, TX for Tom Green CountyRon Wamstead; Thompson, Coe, Cousins & Irons; Austin, TX for Ford Motor Company		
Facts:	<p>On July 16, 2005, plaintiff David Campos was driving a 1999 Ford Expedition sport utility vehicle with plaintiff's decedent David Andrew Campos, his son, restrained in a child seat. Plaintiff Ember Martinez was in the front passenger seat and she was pregnant with their daughter, plaintiff Andrea Campos. Mr. Campos was driving east on 14th Street in San Angelo when they were struck by a car driven by Tommy Jene Williams, a reserve deputy for the Tom Green County Sheriff's Department. Williams was driving north on Bryant Street. David was thrown from the vehicle during the accident and died.</p> <p>Campos and Martinez, individually and as natural parents of Andrea and as surviving parents of David, sued Ford Motor Co. and Tom Green County. They alleged that Tom Green County was vicariously liable for Williams's actions. They further alleged that the Ford Expedition had a design defect.</p> <p>Plaintiff's counsel opined that Campos had a green light while Williams ran a red light at the intersection.</p> <p>Plaintiff's counsel contended that the SUV's design included a defective center rear seat belt buckle that failed during the collision, allowing David to be ejected. Plaintiff's counsel argued that safer alternative designs existed, which would have prevented or significantly reduced the risk of injury without substantially impairing the product's utility. These alternatives were also economically and technologically feasible when the product left the control of Ford.</p>		
Injury:	David suffered head trauma consisting of multiple fractures and a larger intracranial hemorrhage, which resulted in his death. Campos, Martinez and Andrea claimed damages for past and future reasonable and necessary medical expenses to treat them for the injuries they sustained in the accident. David's parents were seeking damages under the Texas Wrongful Death Act and Texas Survival Act.		
Result:	The plaintiffs settled with Ford for a confidential sum.		