

Instability, lack of safety glass led to fatal rollover: plaintiffs

February 17, 2009

Amount:	\$0	Type:	Settlement
Court:	Superior Court of Los Angeles County, Central, CA		
Case Name:	Manuel Vergara, Individually and as personal representative of Manuel Vergara Jr., Deceased, and as guardian of Eduardo Vergara, Alex Vergara and Oscar Vergara, Minor Children; Lilia Perez Mojica, individually and as personal representative of Manuel Vergara Jr., Deceased, and as guardian of Eduardo Vergara, Alex Vergara and Oscar Vergara, Minor Children; Mariela Perez Mojica Individually, Esteban Hilario, Individually, and Alberto and Alicia Hernandez Vergara, as guardians of Edith Vergara Hernandez, Minor Child v. General Motors Corporation, a corporation; and Mexico Lindo, a corporation, No. BC383550		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• William G. Baumgaertner; Haight Brown & Bonesteel LLP; Los Angeles CA for Manuel Vergara, Manuel Vergara (deceased), Jr., Eduardo Vergara, Alex Vergara, Oscar Vergara, Lilia Perez Mojica, Mariela Perez Mojica, Esteban Hilario, Alberto Hernandez Vergara, Alicia Hernandez Vergara, Edith Vergara Hernandez• Joseph E. Ritch; Wigington Rumley Dunn, L.L.P.; Corpus Christi TX for Manuel Vergara, Manuel Vergara (deceased), Jr., Eduardo Vergara, Alex Vergara, Oscar Vergara, Lilia Perez Mojica, Mariela Perez Mojica, Esteban Hilario, Alberto Hernandez Vergara, Alicia Hernandez Vergara, Edith Vergara Hernandez• Scott E. Gizer; Haight Brown & Bonesteel LLP; Los Angeles CA for Manuel Vergara, Manuel Vergara (deceased), Jr., Eduardo Vergara, Alex Vergara, Oscar Vergara, Lilia Perez Mojica, Mariela Perez Mojica, Esteban Hilario, Alberto Hernandez Vergara, Alicia Hernandez Vergara, Edith Vergara Hernandez• Wesley Todd Bell; Farrar & Ball LLP; Houston TX for Manuel Vergara, Manuel Vergara (deceased), Jr., Eduardo Vergara, Alex Vergara, Oscar Vergara, Lilia Perez Mojica, Mariela Perez Mojica, Esteban Hilario, Alberto Hernandez Vergara, Alicia Hernandez Vergara, Edith Vergara Hernandez		
Defense Attorney(s):	<ul style="list-style-type: none">• Anthony S. Thomas; Bowman and Brooke LLP; Gardena, CA for General Motors Corporation• James W. Lewis; Walsh Delaney Attorneys; Valencia, CA for Mexico Lindo		
Facts:	<p>On Jan. 13, 2006, at approximately 5:45 a.m., plaintiff Manuel Vergara was driving a 2000 Chevrolet Suburban northbound on National Highway 15 Mexico-Nogales Road, between Navajoa and Obregon, Mexico. Plaintiffs Lilia Perez Mojica, Mariela Perez Mojica, Eduardo Vergara, Alex Vergara, Oscar Vergara and Edith Vergara Hernandez and plaintiffs' decedent Manuel Vergara Jr. were passengers. The driver swerved to avoid a bicyclist, causing him to lose control and roll over. The rollover caused Lilia Perez Mojica, Mariela Perez Mojica, Eduardo Vergara, Oscar Vergara, Manuel Vergara Jr. and Edith Vergara Hernandez to be ejected from the vehicle. Manuel Vergara Jr. was killed, and the other passengers sustained injuries.</p> <p>The plaintiffs sued General Motors Corp. and Mexico Lindo, the company that sold the vehicle to Lilia Perez Mojica. The plaintiffs alleged that the vehicle was defectively designed because of its inherent instability and lack of safety glass in the side windows. They also alleged that Mexico Lindo took no precautions to warn against the dangerous defects of the vehicle at the time of sale, which amounted to breach of contract.</p> <p>The defense argued that the accident was caused by radical steering inputs and excessive speed, not by any design defects. General Motors also contested the claims that there were multiple ejections, and that laminated side glass would have made a difference.</p>		
Injury:	The surviving plaintiffs claimed that they sustained various bodily injuries and emotional distress. Manuel Vergara and Lilia Perez Mojica sought wrongful-death damages.		
Result:	The case settled for a confidential amount.		
Judge:	James R. Dunn		