

Poorly designed door latch system blamed for fatal crash

July 21, 2008

Amount:	\$0	Type:	Settlement
Court:	Hidalgo County District Court, 275th, TX		
Case Name:	Stacy Leann Minns, individually, as independent executrix of the Estate of Philip D. Minns, deceased, and as next friend of Dillon Edward Minns and Skylar Savannah Minns, minors v. Ford Motor Co., Boggus Motor Sales Inc., and Boggus Motor Sales L.P., No. C-847-07-E		
Plaintiff Attorney(s):	<ul style="list-style-type: none">• James M. Whitten; ; Sinton TX for Stacy Minns, Estate of Philip Minns, Dillon Edward Minns, Skylar Savannah Minns• Gil P. Peralez; The Peralez Law Firm, L.L.P.; McAllen TX for Stacy Minns, Estate of Philip Minns, Dillon Edward Minns, Skylar Savannah Minns• Joseph E. Ritch; Wiginton Rumley Dunn; Corpus Christi TX for Stacy Minns, Estate of Philip Minns, Dillon Edward Minns, Skylar Savannah Minns		
Defense Attorney(s):	<ul style="list-style-type: none">• Anthony B. James; Hodge & James; Harlingen, TX for Boggus Motor Sales Inc., Boggus Motor Sales L.P.• Jaime A. Saenz; Rodriguez, Colvin, Chaney & Saenz; Brownsville, TX for Ford Motor Co.• Alison D. Kennamer; Rodriguez, Colvin, Chaney & Saenz LLP; Brownsville, TX for Ford Motor Co.• Julie Albright; Thompson, Coe, Cousins & Irons, L.L.P.; Austin, TX for Ford Motor Co.• Lisa M. Crouch; Hodge & James; McAllen, TX for Boggus Motor Sales Inc., Boggus Motor Sales L.P.		
Facts:	<p>On Jan. 29, 2006, plaintiffs' decedent Philip Minns, 46, was driving his 2001 Ford F-150 pickup truck, purchased from Boggus Motor Sales in McAllen, on F.M. 751 in Hidalgo County when the vehicle veered off the road and rolled over. Minns was ejected from the cab and killed.</p> <p>Minns' wife, individually and on behalf of her children and her husband's estate, sued Ford Motor Co. and Boggus, alleging products liability. The plaintiffs claimed Minns was operating the pickup safely and legally and was wearing his seat belt, but that both the belt and the passenger side door latches failed, causing him to be ejected.</p> <p>The plaintiffs claimed the door latch systems for the pickup were defectively designed and manufactured, and that Boggus improperly repaired the passenger side door following an accident after the initial purchase.</p> <p>The plaintiffs also alleged Ford issued a recall for the seat belts in the pickup in July 2001, and sent instructions to Boggus to notify owners of the truck. The plaintiffs claimed Boggus did not notify them, and also failed to replace the seat belts when the truck was brought in for unrelated work in October 2001.</p> <p>Ford and Boggus denied the allegations. Ford claimed the truck complied with all mandatory federal safety standards and regulations, and that the plaintiffs' damages were caused in whole or in part by the negligence of a third party. Both defendants argued contributory negligence on Minns' part. Ford contended Minns failed to exercise ordinary care to avoid the accident. Boggus argued he was driving while intoxicated, failed to take evasive action to avoid the collision, and was not wearing his seat belt at the time of the crash.</p>		
Injury:	<p>Philip Minns died as a result of injuries sustained in the accident. He was 46. He is survived by his wife, Stacy Minns, 42, and their two children, Dillon, 6, and Skylar, 4.</p> <p>The plaintiffs sought an unspecified amount for past and future pecuniary damages, pain and suffering, loss of companionship and loss of consortium.</p>		
Result:	The parties settled before trial for a confidential amount.		
Judge:	Juan Patrida		