

# Ford loses appeal of \$47 million verdict in LS seat-latch lawsuit

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The Georgia Court of Appeals has let stand a \$47.7 million verdict against Ford Motor Co. stemming from the failure of the back-seat latch in a 2000 Lincoln LS. The award included almost \$14 million in punitive damages.

The punitive damages were based on evidence that "Ford for years was keenly aware of the latching problem based on hundreds of reports from both internal and external sources," but failed to warn consumers of the danger, said Judge G. Alan Blackburn.

The three-judge appeals panel also rejected Ford's challenges on several evidentiary issues.

Ford spokeswoman Kristen Kinley says the company is disappointed and is considering asking the state Supreme Court to review the decision.

## The case

The case involved five-year-old Kelsey Sasser, who was strapped into the middle of the Lincoln's back seat

## Appropriate award

Issue: Was a Georgia jury right to assess a \$47.7 million award against Ford Motor Co. in a lawsuit alleging that a defective back-seat latch on a Lincoln LS caused a child's paralyzing crash-related injuries?

Outcome: State appeals court says yes, and upholds the award.

when her mother accidentally swerved into oncoming traffic, hitting a pickup head-on in June 2000, according to plaintiff's witnesses. The latch failed, and the back seat folded forward, forcing the girl against her shoulder seat belt and injuring her spinal cord. The accident left the lower part of her body paralyzed.

Ford denied the latch was defective, but a Fulton County jury awarded \$33.9 million in compensatory damages, plus punitive damages.

The appeals court found ample evidence to support punitive damages.

"The back-seat latch system of the LS vehicle had caused Ford numerous problems over the years, both in the years leading up to the launch of the vehicle and in the years after it

was on the market," the court said. "The system often would simply latch, despite strenuous efforts to force the latch to connect."

The court also said: "Ford was aware of the possibility of a tragic accident like Kelsey's occurring but decided not to alert the public to the danger. A jury was authorized to fix such conduct as callous and wanton."

The court said that Ford earlier had considered both a \$3-per-vehicle "Belt Indicator" system to alert driver if the back seat wasn't fully latched and a \$10-per-vehicle interlock system to prevent the center seat belt from buckling if the back seat wasn't fully latched. Neither was adopted and the vehicles were not recalled.

## Parties' positions

Plaintiff's lawyer Jeff Harris of Savannah says Ford took the position that it "was difficult to latch the seat but not impossible." He noted the Ford modified the latch design in 2001 after his client's accident.

Ford also contended that the girl was actually in the front seat at the time of the crash. But the court found sufficient evidence to support the plaintiff's claim that she was in the back seat at the time of impact. ENR

