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FBT Receives Unanimous Defense Verdict for Ford Motor Company

Ayala v. Ford Motor Company

On August 5, 2005, an eight-member jury in the U.S. District Court for the Eastern District of Texas, returned a unanimous verdict in favor of Ford Motor Company in a case involving the death of a three year-old child after she became entrapped in a power window.

Plaintiff sought punitive damages based upon the Ford truck's alleged defects in the installation of rocker switches instead of push/pull switches. Ford countered that the rocker switch for the power window was neither defective nor unreasonably dangerous. Ford relied on its compliance with Federal Motor Vehicle Safety Standard (FMVSS) 118, the standard enacted to prevent inadvertent actuation of power window systems by children. FMVSS 118 requires, among other things, an ignition interlock which prevents the power window system from operating unless the vehicle's key is in the ignition and the key is turned to either the "ON" or "ACCESSORY" position. According to the standard and the National Highway Traffic Safety Administration (NHTSA), the incorporation of the ignition interlock was the main safety feature to prevent against power window entrapments because it required a key in the ignition and therefore presumed the presence of a supervisory adult. And, due to the plaintiff's admitted distraction, she overrode the basic safeguard installed in the system.

Outcome

After approximately an hour of deliberation, the East Texas Federal Court jury returned a unanimous defense verdict for Ford Motor Company. Frost Brown Todd received the Top Ten Defense Verdict Award from National Law Journal for this case.

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