



Nov 09, 2011

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Frost Brown Todd Obtains Defense Verdict in Seat Belt Defect Case

On November 9, 2011, an eight member jury in the United States District Court for the Eastern District of Texas, Marshall Division, returned a unanimous verdict in favor of IMMI and the bulldozer manufacturer, finding no defect in the IMMI designed seat belt and no defect in the bulldozer that had been involved in a fatal accident on July 30, 2010. IMMI was represented by national counsel, Randall R. Riggs and Joshua B. Fleming of Frost Brown Todd. Deron R. Dacus and S. Justin Lindley of Ramey & Flock PC served as local counsel.

At the time of the accident, the 24 year old driver was completing the final day of training for certification as a heavy construction equipment operator at the Associated Training Services of Texas (ATST), located outside of Wills Point, TX. Eyewitnesses observed the driver deviate from a training exercise and traverse a mound of dirt with a technique and speed that were inconsistent with practices taught at the school. As the center of gravity of the dozer crossed the peak of the mound of dirt, predictably the front tracks of the dozer slammed down on the far side of the mound (fulcrum effect) and the driver was thrown in front of the tracks. The dozer continued to move forward at the pre-set speed and the left track ran over the driver's upper body, resulting in massive, fatal injuries.

Counsel for decedent's family alleged the IMMI designed seat belt was being worn by the driver at the time of the accident, but that a design defect in the buckle made it unreasonably dangerous because of its susceptibility to inadvertent unlatching. Plaintiffs alleged that the seat belt had in fact unlatched during the accident, permitting the driver to be ejected. As for the bulldozer itself, plaintiffs alleged the manufacturer had negligently mounted the seat belt buckle in a location that made inadvertent unlatching more likely to occur, and in addition, plaintiffs alleged that the dozer should have incorporated a switch in the seat belt buckle or as a part of the operator's seat that would automatically stop the forward motion of the dozer before an ejected operator could be

run over.

IMMI defended the design of the buckle by introducing evidence that the buckle complied with applicable industry standards and was well suited for the unique challenges presented by outdoor use on construction equipment in all types of conditions and climates. This design was given additional validation by evidence of over a decade of actual use without a single documented instance of inadvertent unlatching in the field, proving that the buckle embodied an appropriate and safe balance of accessibility with security.

The Honorable Michael H. Schneider presided over the case. The experts for the defense were William Van Arsdell, Ph.D. (seat belts), Richard Harding (biomechanical), Richard Watson (computer software), Daniel Griswold (engineering), and Craig Demry (engineering). The plaintiffs' experts included David Renfro, Ph.D. (engineering), Dan Andrews (engineering), and Dale R. Funderburk, Ph.D. (economics).

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