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Wednesday, August 3, 2005

Anaheim family sues Ford for accident near Barstow

By KAREN STAPLEY/Staff Writer

BARSTOW -- An Anaheim family has filed a lawsuit in Barstow against Ford Motor Company for general negligence, product liability and wrongful death after a car accident near Barstow two years ago.

Two people died in the car accident July 27, 2003 when the 1997 Ford Explorer they were driving crashed. The car was traveling about 65 mph on the southbound Interstate 15 freeway approximately 3.5 miles north of Halloran Springs Road.

"The driver tried to correct the position," Steven Carlson, the lawyer who filed the lawsuit said. "The car lost control and started rolling."

Carlson said Ford knew the 1997 Ford Explorer had a propensity to roll and that the car was not safe.

The family is also suing for loss of consortium, and negligent infliction of emotional distress.

Ruth Contreras and her cousin, Oscar Garcia, died in the accident. Contreras was a mother of five, and Garcia had a wife and a young daughter living in Mexico.

"Unsafe cars shouldn't be on the road," said Contreras' daughter, Ruth Herrera. "Families are being destroyed. These are supposed to be safe family cars."

Herrera, 28, is now raising her two younger brothers as well as her own three children.

"My mother was the foundation of the family," Herrera said. "It is really difficult without her."

Herrera said the accident devastated her two younger brothers, particularly Herbierto Vasquez, 10, who was injured in the accident and saw his mother die.

"He has a big scar on the back of his head he will have to live with for the rest of his life," Herrera said. "Children will be children and are curious about the scar and ask him about it, which bothers him. It reminds him of his mother, which gets him down."

A statement issued by Ford's Legal News Public Affairs Manager Kathleen Vokes on Tuesday said, "Our heartfelt condolences go out to the family for their loss. We have not received the lawsuit so I cannot comment on the specifics of the accident. Although the loss of life was a tragedy, the

family's loss was not the fault of the design of the Ford Explorer."

The lawsuit states prior to the Explorer's 1990 production date goal, Ford engineers considered four options to increase stability in the Explorer.

Carlson said Ford opted not to widen the track width or lower the engine because such changes would have delayed the Explorer's introduction in the market and would have been costly. Carlson said Ford decided just to stiffen the springs and advise consumers to under-inflate the tires.

"When changing the stability they chose the least effective method at the lowest cost," Carlson said. "They disregarded the safety of others."

Ford failed to warn buyers of the Explorer's dangerous and defective design elements that create a propensity for the vehicle to roll over during foreseeable driving maneuvers, the lawsuit said.

Carlson said Ford ignored engineers' recommendation that the roof structure be able to support twice the weight of the vehicle without permanent structural deformation when subjected to a static roof crush test.

Vokes said plaintiff's attorneys typically theorize a stronger roof would provide more occupant protection in a rollover event, but that is not the case.

"Simply strengthening the roof will not affect the outcome of the crash for the simple reason that the injury mechanics are not related to how much the roof is deformed in a rollover crash," Vokes said.

Ford tried to reduce costs that exceeded compliance with regulatory requirements to as low a level as possible to maximize Ford's future pricing flexibility, according to the lawsuit.

It would have cost \$20 to double the roof strength of the 1997 Explorer, according to the lawsuit.

"They took the profit and not the safety of consumers," Carlson said.

Vokes said Ford products meet all Federal safety standards.

In 2002 Ford advertising touted design changes that addressed concerns raised by engineers 10 years earlier, according to the lawsuit. The lawsuit says Ford could have used these design elements in the 1997 Ford Explorer but chose not to make changes at that time in order to minimize costs and maximize profits.

"Real-world experience and testing show that the Explorer is a safe vehicle, consistently performing as well or better than other vehicles in its class," Vokes said. "We strongly believe in our products and we will continue to aggressively defend them."

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