

TEXAS

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Claim: Airbag Was Unable to Tell Low Impact From High

Settlement: Undisclosed

Case: Christine Kallas v. Volkswagen of America, Inc., No. 6:02-CV-00159

Judge: William M. Steger

Verdict Date: 11/5/2002

Plaintiff Attorney(s): Jeffrey T. Embry; Hossley & Embry, L.L.P.; Tyler, TX

Defense Attorney(s): Robert H. Mow, Jr.; Hughes & Luce, L.L.P.; Dallas, TX

Facts: Christine Kallas, a 46-year-old female, was driving her 1996 Volkswagen Jetta when she struck a curb with the left front tire and drove her vehicle onto the curb. It was a relatively minor collision and the vehicle was drivable from the scene. The driver's airbag deployed during this minor collision and caused severe injuries. The estimated damage to the Jetta was \$2,200, of which \$1,500 was the replacement of the airbag module. The Delta V, or speed change, for the collision was estimated at 5 mph.

Kallas claimed that the airbag system was defective because it was unable to distinguish between minor and severe collisions. The claims were based on strict liability, principles in Restatement Second of Torts, Section 402A.

Injuries: Compound fracture

Kallas suffered a compound fracture of her right arm, which necessitated a skin graft from her right thigh to seal the wound. The scars from the break and the graft are permanent. Her medical bills totaled approximately \$75,000.

Settlement: The case settled shortly after the court granted a motion requiring Volkswagen to download the airbag computer data, which indicates the speeds involved in the collision. The amount is confidential.. This was the first airbag case Volkswagen has settled without trial.

Plaintiff Expert(s): Steve Irwin; accident reconstruction; Dallas, TX. Ralph Hensler; airbags; Newark, NJ.

Defense Expert(s): None reported.

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