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GENERAL MOTORS ROOF CRUSH RENDERS GIRL QUADRIPLÉGIC

On November 1, 2003 Heather Rodriguez, age 18, and her friend Sanessa, were traveling in a 1999 GMC Jimmy on a section of Texas hill country road known as the "Devil's Backbone" for its many curves. When she attempted to turn a corner, her right wheels left the roadway. As she turned the vehicle back towards the road, it began to slip sideways along the shoulder embankment. During this side-slip, the GMC Jimmy began a passenger-side leading roll and rolled three times before coming to rest on its wheels. Both Heather and Sanessa were wearing their seatbelts—a fact confirmed by the vehicle sensing module.



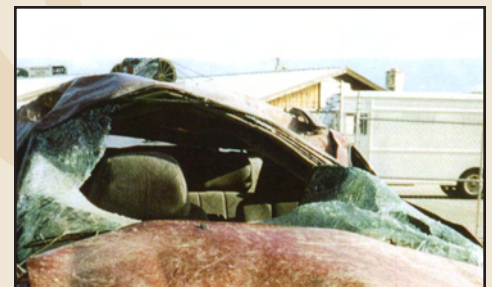
(upper left) Scaled model of accident sequence based on laser topographical mapping and survey of scene.

(upper right) Heather Rodriguez, Age 14.

Jeff Embry of Hossley & Embry served as lead counsel on the case filed in Federal District Court in San Antonio, Texas. Heather alleged that GM defectively designed the roof structure of the Jimmy because it was too weak and failed to provide adequate protection in the event of a rollover. Heather's claims were based, in part, on GM's knowledge of the ever-increasing risk of SUV rollover and GM's failure to do anything in terms of roof strength design other than provide minimal compliance with a 30-year old government roof strength standard designed for passenger cars.

As the GMC Jimmy rolled, the roof over the driver's side collapsed onto Heather's head. The crushing roof resulted in a C-5/C-6 burst fracture of her spine. The Jimmy came to rest on its wheels with Heather pinned inside. The roof on the passenger side did not crush in and Sanessa was not injured. Heather was transported via CareFlight and received months of medical treatment and therapy. She has never regained the use of her arms or legs and will likely be a quadriplegic for the remainder of her life.

The roof on the driver's side crushed nearly 18 inches and impacted the driver's headrest. Ms. Rodriguez, height 4' 10", was pinned in the driver's seat.



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GM defended the case by pointing to Ms. Rodriguez's contributory fault and arguing there was no causation between the roof crush and Ms. Rodriguez's injury. GM also cited the roof structure's compliance with the relevant government standards. Another tenant of GM's defense strategy was its refusal to produce even the most basic relevant information in discovery. Hossley & Embry filed a Motion to Compel and brought GM's conduct to Judge Royal Ferguson's attention. Outraged by GM's tactics, Judge Ferguson let GM know that he would not tolerate any further discovery abuse:

THE COURT: And you just need to tell GM they need to get ready because after I get through here, if I believe, as I do now, that GM has been an obstructionist, I am going to come down so -- Mr. Embry may lose the case and win on sanctions because the sanctions will -- you can take it to the Fifth Circuit or the Supreme Court -- the sanctions are going to be horrific.

Hearing Transcript Excerpt, Plaintiff's Motion to Compel General Motors before the Honorable Royal Ferguson, United States District Judge.

Once the relevant documents were produced, they revealed GM's knowledge of the weakness of its roof and the risks posed to consumers. Hossley & Embry commissioned an automotive engineering firm to purchase exemplar vehicles and conduct inverted drop testing to examine the viability of safer alternative designs. The testing revealed that even minor improvements such as injecting the roof pillars with structural foam could dramatically improve roof strength.

Importantly, while the Rodriguez case was pending, Congress and NHTSA were attempting to upgrade the roof crush standard for SUVs. Hossley & Embry submitted the research results obtained in the Rodriguez case to the government. Finally, in the fall of 2005, President Bush signed the Transportation Bill which mandated an improved roof crush standard for the first time in 30 years. Shortly thereafter, GM dropped its affirmative defense based on compliance with the old standard.

The economic damage model in the case totalled approximately \$9,000,000, including medical care needs. The case was set to be tried in January 2006 when it was resolved for a confidential amount. For additional information contact Jeff Embry at jeff@hossleyembry.com.



(top picture) A production roof following an inverted drop test from three feet.
(bottom picture) A vehicle equipped with alternative designs following an inverted drop test from three feet.

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