

VOLKSWAGEN SETTLES AIR BAG CASE

Volkswagen Settles Suit With Woman

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Staff Writer

Volkswagen of America recently settled a lawsuit filed by a woman who claimed her car's deploying airbag seriously injured her during a minor accident.

Christine Kallas, Plano, filed the suit in April in the U.S. District Court Eastern District of Texas alleging she suffered a compound fracture to her right arm when the driver-side airbag in her 1996 Volkswagen Jetta deployed when she bumped a curb in February. The suit alleges the airbag should not have deployed in such a minor collision.

Ms. Kallas reported she was driving her Jetta south in the 2000 block of Independence Parkway in Plano at about 7:30 p.m. on Feb. 8.

While attempting to make a left turn onto Park Boulevard, Ms. Kallas' Jetta's left front tire struck the corner of the median which separates the east and west lanes of travel on Park Boulevard, court documents state. The suit continues, "The only noticeable sign of impact was the loss of the front left hubcap. There was no damage to the vehicle's body as a result of the minor impact."

Tyler Attorney Jeff Embry, who represented Ms. Kallas, said her injuries required hospitalization and an eventual skin graft from her hip to seal the compound fracture wound.

Volkswagen of America's original answers filed in May denied all the allegations and asserted "injuries were caused in whole or in part by the plaintiff" and "injuries and damages were caused in whole or in part by superceding or intervening causes.

The amount of the settlement cannot be disclosed due to a confidentiality agreement, but Ms. Kallas, attorney said she was "very satisfied." The plaintiff was originally asking for an amount in excess of \$75,000.



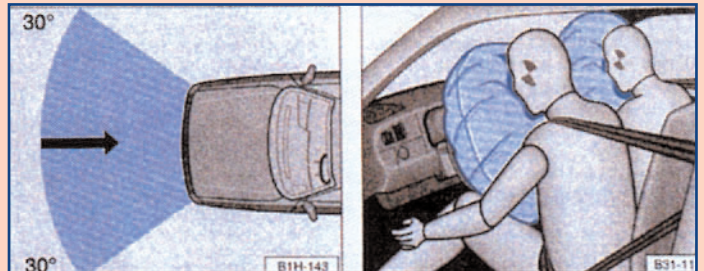
On February 8, 2002, Kristine Kallas was driving her 1996 Volkswagen Jetta in North Dallas when she misjudged a turn onto Park Lane. Her vehicle's left front tire impacted a curb and median. The impact was minor. Nevertheless, the driver's air bag deployed and caused a severe compound fracture to Ms. Kallas, right arm. A skin graft was required to seal the wound.

The air bag was represented in the

owner's manual to deploy in only severe collisions. Volkswagen's internal documents revealed that the air bag was intended to deploy in collisions involving a change in velocity in excess of 9 m.p.h. Engineers reviewed Ms. Kallas, collision and placed the change of velocity at 5 m.p.h.

Ms. Kallas brought strict products liability claims against Volkswagen of America in Tyler federal court. VW denied all liability and claimed that the air bag deployed properly. After a motion to compel was granted, VW was forced to download the on-board air bag computer data. The case was resolved for a confidential amount shortly after the data was downloaded.

Hossley ☆ Embry, L.L.P. forwarded the information they would have presented at trial to the National Highway Traffic Safety Administration and the National Transportation Safety Board. The government is investigating.



How the air bag system works

Both air bags inflate only in a severe frontal collision occurring within the area indicated in the illustration. The air bags will not inflate in minor frontal collisions, side or rear collisions, in a rollover or in cases where there is no considerable impact to the front of the vehicle.

When the system is activated, the air bag fills with a propellant gas, breaks open the padded cover and inflates between the driver and steering wheel, as well as between the front passenger and instrument panel.

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