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TOYOTA ROOF CRUSH RENDERS GIRL QUADRIPLÉGIC

On Wednesday, June 8, 2005, Pennie Green, age 17 was driving southbound on Texas Highway 1187 south of Fort Worth, Texas to pick up her cousin so they could go to a movie. She was traveling in her family's 1997 Toyota Camry. She was wearing her seat belt and operating her vehicle properly and within the speed limit. At the time, Ms. Green was preparing to enter her senior year as an honor student and member of the volleyball team at Joshua High School. As Ms. Green approached the intersection of FM 1187 and Ben Day Murrin Road, Jacob Lacey, age 22 made an illegal left turn in front of Ms. Green. She had no time to react and the vehicles collided sending both spinning out of control. Ms. Green's Camry began to rollover in a driver's side leading orientation and rolled 3.5 times before coming to rest.

As the Camry rolled, the roof over the driver's side collapsed onto Pennie's head. The crushing roof resulted in a C-6/C-7 burst fracture of her spine. The Camry came to rest on its roof with Pennie pinned inside. Pennie was transported to Harris Methodist Hospital and underwent emergency surgery to stabilize her spine. She later received months of medical treatment and therapy at Craig Hospital in Denver. She has never regained full use of her arms or legs and will likely be a quadriplegic for the remainder of her life.



(L) Pennie Green, Age 17 , Junior Prom, Joshua High School
(R) Ms. Green's cervical spine post-stabilization surgery

Jeff Embry of Hossley & Embry served as lead counsel on the case filed against Toyota in Johnson County, Texas. Ms. Green alleged that Toyota defectively designed the roof structure of the Camry because it was too weak. Her claims were based on Toyota's knowledge of the risk of rollover and failure to do anything in terms of roof strength beyond compliance with the 30-year old government minimum roof strength standard. Toyota denied all claims and blamed both Mr. Lacey and Ms. Green, who was talking on her cell phone at the time of the collision.

The roof on the driver's side crushed nearly 18 inches and impacted the driver's headrest. Ms. Green was pinned in the driver's seat.





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Hossley & Embry discovered various Toyota statements and documents concerning the purported strength of the Green's Camry. Toyota redesigned the Camry passenger cabin and emphasized the purported strength of the Camry roof, describing the roof as providing "excellent" roll-over protection. In fact, Toyota had even created a marketing name for the improved version of the cabin structure, calling it the "Toyota Passive Safety Cabin Structure."

Toyota marketing document in Europe and the United States noted the Camry's purported "excellent" roll-over occupant protection

SAFE AND (LITTLE) SOUND

THE Camry is already recognised as one of the quietest, safest, most comfortable cars in the large, executive car class.

The new Camry is ahead of global trends in safety regulations and has been built to comply with forthcoming legislation in Europe, Japan and the USA. It more than meets the 1998 frontal offset collision and side impact requirements of the European Union, as well as providing excellent rear impact, rollover and soft interior occupant protection.



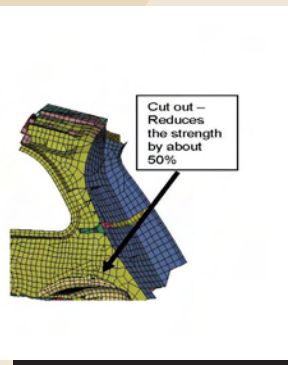
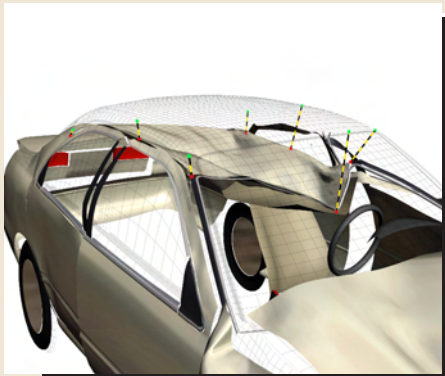
(left)

Exemplar Camry and Ms. Green's Camry



(below)

Computer modeling and finite element modeling of roof components



Hossley & Embry commissioned automotive engineering firms from both California and the United Kingdom to purchase exemplar vehicles, strip them down to the sheet metal and conduct testing to examine the viability of safer alternative designs. The testing, which included finite element computer modeling, revealed that even minor improvements such as removing holes in the roof pillar structure and improving the strength of certain joints would vastly improve the strength of the roof. While these changes were not necessary to comply with the nearly 30-year old minimum government standard, they are both economically and technically feasible. Most importantly, given the forces involved in the subject collision, they would have prevented the roof crush which caused Ms. Green's injury.

Importantly, while the Green case was pending, Congress and NHTSA have attempted to upgrade the roof crush standard in the face of great lobbying from the auto industry. Hossley & Embry has submitted the research results obtained in the Green case to the government in an effort to encourage improvement in the roof crush standard.

The economic damage model in the case totaled approximately \$9,000,000 including medical care needs. The case was set for jury trial in April 2007. The parties have settled the claims on terms that were satisfactory to all parties. Ms. Green and her family were satisfied with the result. For additional information contact Jeff Embry at jeff@hossleyembry.com.

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