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General Motors Caught Hiding the Truth

Brad Miller left his job as an attorney with the F.D.I.C. in Dallas and was headed to his farm in Winnsboro when his 2000 Chevrolet Silverado left the roadway and struck a large tree head-on. An on-board computer system which stored data from the crash revealed that one second prior to impact the vehicle was traveling at 63 m.p.h. The evidence was hotly disputed regarding whether Mr. Miller was wearing his seat belt. He testified that he always wore his belt and an eye witness who arrived on the scene shortly after impact recalled seeing Mr. Miller in his seat belt. The computer on board the truck, however, indicated that he was not belted. Mr. Miller had no recollection why he left the roadway.

General Motors defended the case vigorously and pointed to Mr. Miller's contributory fault for leaving the roadway and failing to wear his seat belt as the cause of his injury. During discovery, Hossley & Embry sought evidence concerning other claims in which the 2000 Silverado's front air bags failed to deploy. GM resisted and after a hearing, Judge John Hannah's compelled GM to produce documentation concerning other claims. Turns out, some 14 people had died in collisions which GM's own field investigators found the air bag should have deployed. GM even undertook a statistical analysis to determine whether the likelihood of death resulting from the defect was sufficient to justify a recall. The internal study showed that "only" 1.3 people would die annually in frontal crashes as a result of the air bag system defect and thus there was no substantial risk of harm.



The victim's pick-up struck a large tree traveling at nearly 58 mp.h. The driver's air bag failed to deploy and the driver's head struck the steering wheel.



Less than 3 months after the Miller case was filed, the NHTSA began investigating GM's failure to disclose a defect in the Silverado's air bag system and a recall was initiated. More information on the recall and investigation can be found at www.nhtsa.gov. The case was set to be tried in Texas at the end of 2003 and was settled out of court for a confidential amount shortly before trial. For additional information contact Jeff Embry at jeff@hossleyembry.com

Seconds Before AE	Vehicle Speed (MPH)	Engine Speed (RPM)	Percent Throttle	Brake Switch Circuit Status
-5	63	2496	24	OFF
-4	65	2560	24	OFF
-3	66	2560	24	OFF
-2	66	2560	0	OFF
-1	63	2368	0	OFF

Downloaded data from the on-board air bag computer's sensing module disclosed that the vehicle was traveling approximately 63 m.p.h., one-second prior to impact.



www.safeairbags.com