

90 mph Runaway Car Kills Two, Injures Another

Tim Langston, 21, was excited when he purchased his first car — a brand new 1997 Chevrolet Cavalier — in February 1997. Unfortunately, soon after the vehicle was purchased, it became plagued with electrical and mechanical problems. In the first month of its use, Mr. Langston was forced to take the car for repairs on multiple occasions. Each time the GM dealer returned the car with an assurance that it was in good working order.

On April 14, 1997, around noon, Mr. Langston was near home, operating the Cavalier on Fate Conn Road in Cherokee County, Georgia. His friend, Lee Anderson, then age 15, was a front seat passenger, and Lee's sister, Alana Anderson, 16, was in the back seat. After participating in a church activity, the three teens intended to stop at Tim's house and then continue on to the local mall. They were traveling at the 40 mph speed limit on Fate Conn Road, which was steep and winding and which would eventually dead-end into a major highway, when something with the vehicle went terribly wrong.

Alana Anderson would later recall, *"Right as the hill was starting to go down, all I hear is Tim goes, 'Oh, s—,' like that, and I look at him and he had both hands on the steering wheel and he has this intense look on his face. And I knew... I knew something was wrong and he... Something was terribly wrong."*

What had gone wrong was that the Cavalier had begun to accelerate all on its own. Tim tried desperately to control the runaway vehicle, and Alana observed him frantically negotiating the curves and undulations in the roadway. Alana would recall the bridges they passed whizzing by faster than she had ever seen, and her last memory was seeing the speedometer pass 90 mph. As the Cavalier sped toward the T-intersection ahead, Tim and his passengers could see a small truck at the stop sign at the bottom of the hill. Having no other choice, Tim steered to the left to avoid the truck and in an apparent attempt to steer the speeding car into an open field beside the roadway. Tragically, the vehicle clipped a guy wire and flew airborne into a tree near the side of the road. The car

struck the tree, roof first, with such momentum that it wrapped around the tree like a horseshoe and stuck there, suspended above the ground. The two young men inside were killed instantly. Miraculously, Alana Anderson survived the crash, cocooned inside the back seat of the wreckage. Alana suffered a severely broken ankle, traumatic brain injury, and severe psychological damage.

Convinced that a defect in the Cavalier had caused the tragic crash, the families of the teenagers contacted attorney Tommy Malone in Atlanta, Georgia, who then referred them to Chris Searcy due to his experience with product liability cases. Attorneys Chris Searcy and Harry Shevin began combining through sudden acceleration data collected in several states throughout the country. Suit was eventually filed against General Motors and others in Marietta, Georgia. Mr. Searcy and Mr. Shevin litigated the case with Mr. Malone and two other Georgia attorneys, Larry Wight and Matthew Flournoy.

Physical evidence, gathered before and after suit was commenced, confirmed that Tim Langston had been applying his brakes before the crash, but that his braking had not been effective.

An investigating law enforcement officer inspected the brake light filaments and found evidence of "hot shock deformation," confirming that the brake lights were on when impact occurred. However, an investigation of the roadway revealed "yaw" marks just before the crash scene, indicating that the Cavalier's tires were still spinning when the car left the pavement. Clearly, the brakes had not been working adequately. Additionally, the brake pedal was bent, indicating that a tremendous amount of force had been applied to the brake before and/or during impact.

Though circumstantial evidence was compelling, experts were unable to identify a specific defect that caused the Cavalier to accelerate and then brake ineffectively. The car was damaged so severely that many forms of testing were rendered impossible. *Continued on next page.*



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MOTOR VEHICLE

Furthermore, as with any vehicle, Chevy Cavaliers utilize electronics and computers, any of which could malfunction intermittently, leaving no evidence that the defect had occurred. It was therefore crucial to demonstrate that the apparent defects leading to this crash were not indicative of a purely isolated incident. Though its attorneys objected vehemently, GM was forced to provide documentation of all incidents of unwanted acceleration reported by its customers.

Attorney Shevin explained, "We took videotaped depositions of more than a dozen people throughout the country who at one time could not control a runaway GM vehicle. For example, testimony was elicited from a young woman forced to jump from a moving vehicle, as well as a trained ambulance driver who could not stop her runaway vehicle by applying the brakes."

Experts retained by the plaintiffs indicated that a simple, fail-safe device could have been implemented that would automatically prohibit acceleration whenever the brakes were being applied. Such a safety measure would have prevented this and other horrific crashes, and would thereby safeguard the public from future incidents. General Motors maintained an avid defense, and a jury trial was scheduled to begin on September 15, 2003. However, on the eve of trial, a settlement was reached with the families of the two deceased boys, the sums of which must be held confidential. Reflecting on the litigation of this case, Chris Searcy stated, "It was always clear to us that no one in his right mind would purposely go down that road at 90 mph, and all of the circumstantial evidence clearly showed that Tim was trying with all his might to stop the vehicle. No matter how costly or time consuming, we were going to turn over every stone to prove that fact." ■

In the event that your vehicle has had an episode of unwanted acceleration, we urge you to immediately contact the vehicle manufacturer and the National Highway Traffic Safety Administration to report what could prove to be a deadly manufacturing defect.

Website: www.NHTSA.dot.gov

Toll Free: 1-888-DASH-2-DOT

Unreported Chest X-rays Result in Inoperable Cancer

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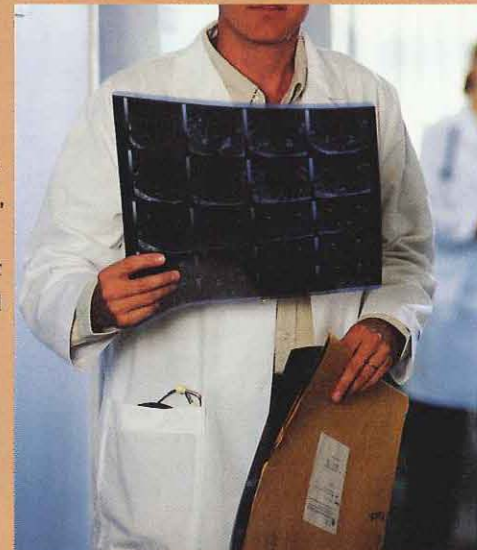
Acting on his curiosities and suspicions, especially about that meeting, Mr. Grimm asked Dr. Nasr's assistant for copies of any radiology reports. Within those records was the July 1999 chest x-ray report, which described a "15 mm paratracheal density just beneath the right sternoclavicular joint, neoplasm must be excluded." In short, the report had suggested cancer. There was also a comparison done to another report that recommended a CT scan. Tragically, the x-ray findings and recommendation for further testing had never been relayed to the Grimms.

Mr. Grimm contacted attorney John Shipley to investigate his wife's medical care. Records produced to Mr. Shipley by Dr. Nasr included a handwritten page of notes indicating that Dr. Nasr's office had called the Grimms several times and eventually notified Mrs. Grimm of her need for additional studies. Given the fact that Mr. Grimm and his wife vehemently disputed that information, Dr. Nasr's original chart was requested so that ink and handwriting studies could be made in an attempt to determine when the notes were written. In response to that request, Dr. Nasr's office advised that the original chart could not be located.

This case was tried in Vero Beach against Dr. Nasr and a second physician, Dr. Williams, who was named as a defendant because Dr. Nasr's chart indicated that Dr. Williams had been contacted with the results of the chest x-ray. Dr. Williams refuted that allegation. Surprisingly, Dr. Nasr admitted that he had not personally discussed the findings with Mrs. Grimm, nor had he sent her a letter with the results of the chest x-ray. Although Mrs. Grimm died before the trial, her testimony was presented by way of a videotape done just before she died.

Evidence was presented at the trial that the delay in Mrs. Grimm's diagnosis allowed the cancerous tumor to grow, from the size of a walnut to the size of a half loaf of bread, and to spread to other areas. The cancer, which would have been curable in 1999, had therefore progressed to the point where it was not curable.

The jury found Dr. Nasr 100% liable for the death of Charlotte Grimm, and awarded damages of \$1.54 million. After nearly 40 years of marriage, nothing can make up for Mr. Grimm's loss, but at least the verdict provided him with a measure of justice. ■



**\$1.54 Million
Verdict:**

**IGNORED
X-RAY REPORT
RESULTS IN
WRONGFUL DEATH**