

## Substandard car repair results in brake failure

For the 2010 Thanksgiving holiday, Roger and Anita Allison planned on returning to an event they had greatly enjoyed in years past – the Turkey Rod Run in Daytona Beach, Florida. Admirers of classic cars, the Allisons planned to bring their own classic car, a 1930 Plymouth street rod, to the car show. Before they could take the trip from their home in Okeechobee, the Allisons needed to have the Plymouth's brakes repaired. The last time the Plymouth was driven they had noticed that the street rod's brakes were not working properly. Recognizing that the car was not safe to operate, they had not driven the Plymouth for several months.

In the weeks leading up to the Turkey Rod Run, the Allisons towed their 1930 Plymouth to Rick's Rods & Custom Fabrications, Inc., a full-service mechanic's shop that specialized in working on unique vehicles like the 1930 Plymouth. Mr. Allison asked Rick's Rods to inspect the brake system and to make all necessary repairs. Two weeks later, he received a call that his car was ready to be picked up. While paying his bill, Mr. Allison confirmed with Rick's Rods that the Plymouth's brakes were now working perfectly. He then drove the Plymouth home.

The following morning, the Allisons headed for Daytona Beach. The trip was uneventful until they approached Melbourne traveling north on Interstate 95. Mr. Allison saw the traffic ahead of him was abruptly slowing down. Given the speed at which he was traveling and the distance between his vehicle and the traffic ahead, Mr. Allison was confident that he had plenty of time to stop. However, when he forcefully applied the brakes, the Plymouth did not seem to slow down at all. In what felt like an eternity to the Allisons, their car rear-ended the vehicle in front of them and then struck the concrete median in the highway. The Plymouth's brakes had unexpectedly failed and allowed the vehicle to crash into the traffic ahead.

As a result of the crash, Anita Allison suffered serious orthopedic injuries including a humeral head fracture and an open patellar fracture. She was airlifted to Holmes Regional Medical Center for emergency care. She had to endure a number of medical procedures including surgery to repair her broken knee cap. Mr. Allison suffered an aggravation of an old back injury. As his wife suffered through her efforts to heal, Mr. Allison focused on what had caused their automobile accident. He enlisted the assistance of SDSBS attorneys **Jack Scarola** and **Jack Hill** to investigate the cause of the Plymouth's brake failure.

An inspection of the Plymouth was arranged to take place at the SDSBS storage facility. Representatives for all potential defendants – including component part manufacturers, retailers, and Rick's Rods – were present during the inspection. It was discovered during the inspection that



*Anita and Roger Allison with their classic 1930 Plymouth.*

Rick's Rods had failed to conduct required basic repairs of the vehicle's rear brakes. Rick's Rods failed to repair a leak in the rear brake line which allowed air to be introduced into the hydraulic brake system. The company also failed to inspect and clean the pistons in the wheel cylinders on both the right and left rear brakes. Rick's Rods had performed substandard repair work and then returned the vehicle to their customer who was unaware that the vehicle's rear brakes did not work at all. Because the front brakes were working properly, the fact that the rear brakes were not working at all was not apparent during ordinary, routine driving. It wasn't until urgent braking was necessary that the effect of nonworking rear brakes became apparent to Roger Allison. Had Rick's Rods done what they were obligated to do and what they were paid to do, the problems with the rear brakes would have been obvious to a trained mechanic performing the required inspections and should have been repaired.

Eventually, a two-week jury trial concluded with a verdict in favor of Anita and Roger Allison in the amount of \$604,840. The jury rejected Rick's Rods' claims that it was not responsible for the crash and that Mr. Allison was solely to blame for the accident. As the prevailing parties, the Allisons also recovered in excess of \$125,000 in costs from Rick's Rods. The defendant, Rick's Rods, had earlier rejected a proposal for settlement to resolve Mr. Allison's injury claim in the amount of \$17,500, and so an award for attorneys' fees in excess of \$300,000 was also entered against Rick's Rods. Rick's Rods appealed the trial court's decision on the attorneys' fees. The Fourth District Court of Appeal recently rejected all of Rick's Rods' arguments and ruled in favor of the Allisons. The jury, the trial court, and the appellate court each decided in favor of the Allisons which resulted in a total recovery of over \$1,029,000. Finally ending this painful chapter of their lives, the Allisons are both looking forward to moving on to the next. ♦