

Michelin, Takata Win \$80M Rollover Crash Suit In Fla. Trial

By Emily Field

Law360, New York (August 24, 2016, 4:38 PM ET) -- A Florida jury on Wednesday afternoon cleared Michelin and Takata in an \$80 million suit that alleged a defective tire and seat belt caused catastrophic injuries in a 2009 rollover crash of a Chevrolet Trailblazer.

Following a two-month trial, the jury found in favor of Michelin North America Inc. and Takata Corp. in Kiara Dukes' suit claiming that her accident was caused by a defective tire. She had also alleged that her Takata seat belt unlatched and caused her to fly out the car during the crash. The jury unanimously ruled Wednesday that neither Dukes nor co-plaintiff Brandon Ellis was wearing a seat belt at the time of the accident.

The jury also determined that the right rear tire had no manufacturing defect as Dukes claimed.

Dukes had alleged that she was sitting in the center rear seat of a 2005 Trailblazer, traveling on the I-95 highway near Fort Pierce, Florida, in 2009 when the tread belt on the tire separated and caused the car to rollover. She sustained permanent and disabling injuries in the accident, according to court records.

“This is a very important defense verdict for the auto industry,” Takata's attorney Tom Branigan of Bowman and Brooke LLP told Law360 on Wednesday.

The Takata AB buckle at issue in the suit has been used for more than two decades by major auto manufacturers such as General Motors Co. and Ford Motor Co., Branigan said.

“It does not unlatch as plaintiffs claim,” Branigan said. “If people are ejected from motor vehicles, 99 times out of a 100 it’s because they weren’t wearing them. Seat belts work when you wear them, and you should wear them.”

During trial, Takata argued that there was substantial proof through physical evidence showing that neither Dukes nor Ellis were wearing their seat belts, Branigan said.



(Credit: AP)

Ellis had also ejected during the crash, while sitting in the rear left passenger seat, Branigan said. Ellis sustained a brain injury, but his injuries were not as severe as Dukes', according to Branigan.

Dukes suffered a serious brain injury and can only communicate through an iPad, Branigan said. She is also paralyzed on her right side and uses a wheelchair, according to the attorney.

Dukes had first filed suit in Florida court in 2012, according to court records. Her case was transferred to federal court then sent back to state court in 2013, according to court records.

The driver of the car, Latoya Dukes, was also a party to the suit. Her right wrist had been fractured, and she also sustained a neck injury, according to Branigan. Ellis had filed a separate suit, but his was later consolidated with Dukes' at their request, Branigan said.

There were two other passengers in the car, but they were not party to the suit, according to the attorney.

Representatives for the plaintiffs and for Michelin did not immediately respond to requests for comment Wednesday.

Dukes and Ellis are represented by Christian Searcy, Darryl Lewis and Michael Kugler of Searcy Denney Scarola Barnhart & Shipley PA and Henry Didier and Mitchell Chubb of Didier Law Firm PA.

Takata is represented by Tom Branigan, Jeffrey T. Gorcyca and Carmen Bickerdt of Bowman and Brooke LLP, Christine Davis Graves of Carlton Fields Jordan Burt PA, and Brian Baggot of Rumberger Kirk & Caldwell PA. Michelin is represented by Michael O'Donnell, Ed Stewart and Theresa Warden of Wheeler Trigg O'Donnell LLP and Michael Wiggins and Michael correnti of McDonald Toole Wiggins PA.

The case is Dukes v. Michelin North America Inc. and Takata Corp., case number 56 2012 CA 002094 in the Circuit Court of the Nineteenth Judicial Circuit in and for St. Lucie County, Florida.

--Editing by Edrienne Su.

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