



And The Defense Wins

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On April 29, 2011, a federal jury in Davenport, Iowa, returned a verdict in favor of Ford Motor Company in *Kayla & Tait Nemmers v. Ford Motor Company*, finding that Ford was not at fault in a February 2007 drunk driving accident involving a 2002 F-250 pickup truck that ran off a rural road in Jackson County, Iowa, and rolled over. Ford was represented at trial by [David R. Kelly](#) of **Bowman and Brooke** in Minneapolis, [Fred J. Fresard](#) of **Dykema Gossett** in Detroit and [Robert V.P. Waterman, Jr.](#), of **Lane & Waterman LLP** in Davenport, Iowa. The plaintiffs were represented by the law firms of Denney & Barrett P.C. in Norman, Oklahoma, and Riccolo & Semmelroth, P.C. in Cedar Rapids, Iowa.

Kayla Nemmers and her minor son Tait sued Ford, claiming that a seat belt in the F-250 was defective and caused Ms. Nemmers' paralysis. The driver's blood alcohol level was more than twice the legal limit at the time of the crash, while plaintiff Kayla Nemmers' blood alcohol level was more than 1 1/2 times the limit. Ford presented evidence at trial that Kayla Nemmers was not wearing her seat belt, and if she had worn it, she would not have been seriously injured in the crash. The automaker also pointed out that the seatbelt design met or exceeded all federal safety standards, had an excellent field safety performance record, and was the industry state-of-the-art when the truck was designed and built. After two weeks of trial, and after deliberating for over six hours, the jury reached a unanimous verdict in favor of Ford.

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