

## VERDICTS & SETTLEMENTS

# \$8.5M awarded in Ford rollover suit

By Justin Rebello  
Staff writer

In the largest verdict in the history of Alabama's Etowah County, jurors awarded \$8.5 million to a woman who was severely injured during a 2003 vehicle rollover.

The plaintiff, Layota Duckett, 28 claimed that the Mercury Mountaineer in which she was riding was unstable.

Jurors deliberated for a day and a half before siding with Duckett against Ford Motor Co., which produced the Mountaineer.

This was the first plaintiff's victory after a string of 11 defense wins by Ford, said Duckett's attorney Jason Knowles of Gadsen, Ala.

Knowles said the defense tried to pin the accident on the driver and claimed it was caused by either a defective tire or unsafe driving.

"We had to show that the accident was caused by the structure of the vehicle, and not by the fault of the driver," said Knowles.

Defense attorneys for Ford could not be reached for comment. Knowles expects an appeal to be filed.

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### Top-heavy vehicle

On Oct. 11, 2003, Duckett was riding in the backseat of a 1999 Mercury Mountaineer driven by her friend Patricia Simon. Simon's husband, Antonio, and their daughter A'Nasha, were also in the vehicle.

While Simon was driving down a stretch of highway in Douglasville outside Atlanta, Ga., another vehicle began encroaching on her lane. Simon slid the Mountaineer into the right lane, then attempted to pull back into the left lane.

At that point, the vehicle flipped over four-and-a-half times before landing on its roof. Both Antonio and A'Nasha were killed in the crash, and Simon was severely injured.



Duckett, 22 at the time, survived the crash, despite being ejected from the vehicle upon impact. She sustained brain damage, broken bones, a collapsed lung, a fractured skull and paralysis to her left arm and hand, and was forced to later have her right leg amputated.

Knowles and his team called on accident reconstructionist Mickey Gilbert to testify that the accident was not caused by any defect in the

tires or unsafe driving.

Gilbert testified that the vehicle was too tall and narrow to sustain itself on the road.

Knowles was able to use photographs of the scene and forensics from the vehicle to show that a tire rim gouged the pavement, indicating that the accident was not caused by a deflated tire, but because the vehicle was unable to stay upright.

According to Knowles, the defense also questioned whether the accident was caused by erratic driving. To counter that claim, the plaintiffs showed video of testing done on the Mountaineer to make it roll over, and showed that it was not driven the way Simon was driving.

“They blamed her for jerking the wheel, [for] steering so hard to the right to overcorrect the turn,” said Knowles. “But our experts showed that she was just driving as any reasonable person would with someone pulling into the lane unexpectedly.”

## AT-A-GLANCE

- ◆ This was the largest verdict in the history of Alabama’s Etowah County.
- ◆ It was also the first plaintiff’s victory after a string of 11 defense wins by Ford, according to the plaintiff’s attorney.

### No punitive damages

The \$8.5 million award is the largest verdict in Etowah County since a \$5 million verdict from 1985, also won by Knowles’ firm.

The award will cover past and future medical expenses and loss of earnings. Duckett, who has earned a masters degree from Jacksonville State University, had planned to join the FBI, but was unable to puruse that career after her injury.

Knowles said the plaintiff’s team had also sought punitive damages, claiming Ford released the Mountaineer even though it knew the vehicle was prone to roll over.

However, despite testimony from Gilbert, who tested the safety of the Mountaineer using Ford’s own testing system, Knowles couldn’t establish that punitives were appropriate.

**Plaintiff’s attorneys:** Jason Knowles of Cusimano, Keener, Roberts, Knowles & Raley, LLC in Gadsden, Ala.; Willie Gary of Gary, Williams, Finney, Lewis, Watson & Sperando in Eastman, Ga.

**Defense attorney:** Gregory L. Schuck of Huie, Fernambucq & Stewart, Birmingham, Ala.

**The case:** *Duckett v. Fort Motor Co.*; Circuit Court, Etowah County, Alabama; Oct. 15, 2009; Judge William Rhea III.

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Questions or comments may be directed to the writer at: [justin.rebello@lawyersusaonline.com](mailto:justin.rebello@lawyersusaonline.com).