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FLORIDA JURY VERDICT REPORTER (FJVR)

DANIEL HISCOCK, individually and as personal representative of the estate of JUNE HISCOCK vs. GRIFFIN, INC.

Docket No.: 01-004080; FJVR Reference No. 04:07-23

Verdict Date: **April** 27, 2004; Publication Date: **July** 2004

TOPIC: Motor Vehicle Accident - Product Liability - Cargo Restraint System - Seat Belt Defense

RESULT: \$ 33,890,000 for Plaintiffs. (verdict)

(\$ 30,890,000 for Dan: \$ 890,000 - past medical expenses and lost earnings; \$ 8,000,000 - future medical expenses and lost earnings; \$ 6,000,000 - past pain and suffering; \$ 16,000,000 - future pain and suffering; \$ 3,000,000 for June - past damages).

STATE: Florida

COUNTY: Hillsborough

JUDGE: Herbert Baumann, Jr.

PLAINTIFF PROFILE: Age: 56
Sex: Male
Occupation: Loomis Fargo Messenger

PLAINTIFF ATTORNEY: C. Steven Yerrid and Theresa L. Fiset of Yerrid Law Firm, Tampa

DEFENDANT ATTORNEY: Jack **Luks** and Anthony Petrillo of **Luks, Santaniello**, et al., Tampa

CAUSE OF INJURY: On October 31, 1998, Plaintiff was working as a guard in Tampa, riding in the cargo hold of an armored cash van manufactured by Defendant. Behind the guard's seat was a hollow metal bar designed to restrain the expected cargo of thirty boxes of coins (weighing approximately seven hundred pounds) and currency bags in the case of an accident. Defendant had never tested the design and did not submit the design for an engineering review. The van rear-ended a tanker in a heavy fog at a speed of approximately twenty-five mph. On impact, the cargo plowed through the metal bar with such force that it tore the seat partially off the pedestal and slammed the seat back into Plaintiff's head, breaking his neck. The case was tried on a single count of strict liability.

Alan Cantor showed the jury the results of a crash test of an identical vehicle that demonstrated the design defect and how the coins could become missiles, targeting the back of the guard's seat with up to fifteen thousand pounds of force, during even a relatively low-speed impact. Defendant denied liability and argued that the crash itself was severe. Defendant also argued that Plaintiff improperly stacked the cargo and did not wear a seat belt. Plaintiff claimed that he was wearing his seat belt and

that it exploded during the crash. Plaintiff asserted that had the belt held, he would not have survived the accident because his body would have been crushed between the seat and the belt as the coins impacted the back of the seat.

NATURE OF INJURY: Quadriplegia.

PLAINTIFF EXPERT WITNESSES: Alan Cantor, Crashworthiness/Accident Reconstruction, Penns Park, PA
Paul M. Deutsch, Ph.D., Vocational Rehabilitation, Oviedo
G. Hartley Mellish, Ph.D., Economist, Tampa
Anthony Sances, Ph.D., Biomechanical Engineer, Santa Barbara, CA

DEFENDANT EXPERT WITNESSES: Frank Woodrich, Ph.D., Vocational Rehabilitation, Tallahassee
Kevin Breen, Occupant Kinematics/Accident Reconstruction, Ft. Myers
Jeffrey Augenstein, M.D., Biomechanics, Miami
Robert O'Shea, Ph.D., Crashworthiness, Marco Island
Frederick A. Raffa, Ph.D., Economist, Orlando

PLAINTIFF'S ATTORNEY'S COMMENTS: Theresa Fiset: The jury awarded Plaintiff's wife, who died three weeks before trial, \$ 3,000,000 on her loss of consortium claim. The estimated cost of a feasible alternative design was \$ 214.

DEFENDANT'S ATTORNEY'S COMMENTS: Anthony Petrillo: The case ultimately settled for less than the verdict.