

STATE OF INDIANA

IN THE VIGO SUPERIOR COURT

COUNTY OF VIGO

CAUSE NO.: \_\_\_\_\_

DEBRA VALENTINE and  
MICHAEL VALENTINE, Individually and as the  
Natural Parents of LOGAN VALENTINE and  
SARAH VALENTINE, Minors,  
Plaintiffs,

vs.

FORD MOTOR COMPANY and  
CHRISTINA SULLIVAN,  
Defendants.

COMPLAINT FOR DAMAGES

The Plaintiffs, Debra Valentine and Michael Valentine, individually and as the natural parents of Logan Valentine and Sarah Valentine, minors, by counsel, for their causes of action against the Defendants, allege:

1. The Plaintiffs reside in Terre Haute, Indiana. At all times relevant hereto, the Plaintiffs were and are husband and wife.
2. Defendant Ford Motor Company is a foreign corporation, incorporated in the State of Delaware, which does business and has a registered agent in Vigo County, Indiana.
3. Defendant Christina Sullivan is a resident of Terre Haute, Indiana.
4. The 1996 Ford Explorer, in which Debra Valentine was injured, was manufactured by Ford Motor Company. It was owned by Defendant Sullivan and kept and maintained by her in Terre Haute and used as a family vehicle.
5. On the 23rd day of March, 2001, Plaintiff, Debra Valentine, was injured when the 1996 Ford Explorer, operated by defendant Sullivan, went out of control and rolled over.

6. In the collision, Debra Valentine suffered serious and permanent spinal cord injuries from which she is totally disabled, unable to work and unable to care for herself.

7. Plaintiffs have lost and will continue to lose income and earning capacity in an amount in excess of \$1 million.

8. Plaintiff, Michael Valentine, has suffered damages for loss of services and consortium.

9. Plaintiffs Logan Valentine and Sarah Valentine were passengers in the Explorer when it rolled over, and have suffered physically and emotionally as a result of the occurrence and as a result of seeing their mother paralyzed in the collision.

10. Ford Motor Company breached its duty to exercise reasonable care in the design, manufacture, testing and marketing of the 1996 Ford Explorer. The breach of this duty was a proximate cause of the Plaintiffs' injuries and damages.

11. The 1996 Ford Explorer owned and operated by Defendant Sullivan was in a defective condition and unreasonably dangerous. This condition was a proximate cause of the injuries and damages to Plaintiffs.

12. The Defendant Ford Motor Company's conduct was grossly negligent, willful, wanton and/or an intentional disregard for the rights and safety of others, including the Plaintiffs. Such conduct, as evidenced by the following facts, warrants the payment of punitive damages by Ford:

a. Ford produced the Explorer quickly to take advantage of a new and rapidly growing market for sport utility vehicles in the late 1980s.

b. During testing that was conducted on "prototypes" (pre-production) Explorers in the Arizona desert in 1989, it became apparent that the Explorer was unstable and likely to roll over during foreseeable maneuvers.

c. Ford's testing engineers warned the company that the Explorer needed to be widened by two inches and the roll center needed to be lowered before marketing the Explorer.

d. However, by that time, Ford had invested over 500 million dollars in the Explorer program and did not want to delay "Job One" (the first production date).

e. Therefore, Ford declined to make the changes recommended by its engineers.

f. Ford knew that by ignoring the warnings of its engineers, its Explorer would be more likely to roll over in foreseeable driving situations.

g. Ford's engineers further warned that if the changes were not made immediately, they should be made as soon as possible after the vehicle was produced.

i. However, once the vehicle hit the market, it became a best-seller and the most profitable vehicle in the entire Ford fleet.

j. Ford was making an unheard of 40% profit on the sale of each Explorer. Major changes, such as widening the vehicle by two inches and lowering the roll center, would cut into that profit, especially since more SUVs were coming onto the market and the market was becoming more competitive.

k. Thus, by 1995, when the vehicle was "refreshed" with some suspension and interior changes, it was marketed without any on-road rollover tests for stability or roof crush. This was done despite the refusal of Ford to follow the recommendations of its engineers and its knowledge that the vehicle was more likely to roll over in foreseeable driving situations.

l. With respect to its roof strength, Ford knew by 1968 that based on a study by its engineers, the roofs on its vehicles should be made to withstand twice the weight of the vehicle without excessive roof crush or collapse.

m. Ford's engineers reported that more people would be using seat belts and thus would be held upright in their seats, and would therefore be injured or killed unless Ford's roofs were made stronger.

n. Ford knew that the cost to make the Explorer roof stronger would be about \$10-\$20 per vehicle.

o. Ford knew that Federal Motor Vehicle Safety Standard 216 only required that the roof withstand 1.5 times the vehicle's weight. Even though Ford knew that the standard was inadequate, it lobbied against the government's attempts to increase that standard.

p. Ford's own internal standard required that its pre-production or prototype vehicles have a roof strength that would support 1.875 times the vehicle's weight in order to ensure that the production vehicles would actually pass the Federal Motor Vehicle Safety Standard 216 requirement.

q. However, in seven out of eight tests of the 1995 Explorer prototypes, the Explorer failed to pass Ford's internal standard.

r. So, instead of increasing the roof strength, Ford lowered its internal standard for the Explorer, allowing the vehicle to be produced without passing its internal standard of 1.875.

s. Ford figured instead, that statistically 90% of its 1996 Explorers would pass Federal Motor Vehicle Safety Standard 216. Thus, it also knew, statistically, that 10% may not meet the minimum government standard.

t. During the prototype or pre-production roof crush testing, Ford engineers noted weaknesses in the A and B pillars, those columns that hold up the roof, and warned management that the columns needed to be strengthened.

u. Ford's management disregarded its engineers' warnings and marketed the 1996 Explorer without strengthening either the A or B pillars.

v. In fact, Ford marketed the 1996 Explorer without testing a single production model for roof crush because "it didn't like to test production cars." (Of course, every production vehicle tested meant a loss of 40% profit on that vehicle to Ford.)

w. As a result of the above conduct, the 1996 Explorer was marketed with knowledge that its instability would cause foreseeable rollovers and that its roof and especially its roof pillars were of inadequate strength.

x. As a result of the inadequate strength of the roof and roof pillars, on March 23, 2001, the roof and roof pillars collapsed, paralyzing Debra Valentine.

13. Defendant Christina Sullivan, according to Ford, was negligent in the operation of her vehicle and proximately caused Plaintiffs' injuries and damages.

WHEREFORE, the Plaintiffs pray for a judgment for damages suffered by them, and for punitive damages (against Ford), pre-judgment interest, and all other proper relief.

Respectfully submitted,

MANN LAW FIRM

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