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Ford accused of hiding evidence in van rollover suits

By Myron Levin / *Los Angeles Times*

LOS ANGELES -- Ford Motor Co. faces legal sanctions for allegedly concealing evidence in lawsuits involving one of its most controversial vehicles -- the 15-passenger van that has been the subject of government safety warnings and death and injury claims stemming from rollovers.

Ford is being pressed to explain why it can't locate records of key handling tests it says it performed before marketing the vans. The company says the test data probably were destroyed, a possibility that a federal judge called "very disturbing." Plaintiffs have been seeking the records to determine what the company knew about the vans' handling characteristics before it put them on sale.

Moreover, Ford lawyers and witnesses have been forced to retract statements made under oath in which they denied that Ford had conducted certain other tests of the vans' stability, which plaintiffs say show the vehicles were rollover-prone.

Company attorneys, who have begun to produce records of the tests that Ford had said did not exist, say there was no intent to deceive or withhold information.

Ford says the vehicles are safe and has blamed injuries and deaths on driver errors and failure of passengers to wear seat belts. "We remain confident that this is a very safe vehicle," Ford spokeswoman Carolyn Brown said.

Sanctions for concealing or destroying evidence can include fines or a court order excluding offending lawyers or witnesses from the case. On rare occasions, judges have ruled that the guilty party is liable by default, leaving juries only to decide the amount of damages.

Motions to impose sanctions against Ford are pending in at least two cases, in Illinois and Georgia.

"The noose is tightening around their neck," said James Lowe, a plaintiffs attorney seeking sanctions against Ford in a case in Chicago.

Ford is the leading maker of the large-capacity vans, which are widely used to shuttle commuters, church groups and college athletic squads. Over the years, vans produced by Ford and other automakers have been involved in hundreds of deadly rollovers. Ford has been sued at least 70 times, with accident victims claiming that the vans are defective because their high center of gravity makes them unusually rollover-prone -- particularly when they are used, as intended, to carry many people.

An estimated 500,000 of the 15-passenger vans are in use, with Ford's E 350 Super Club Wagons the most popular.

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