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Judge sanctions Ford for hiding evidence

By John Porretto / Associated Press

DETROIT -- A federal judge on Tuesday ordered [Ford Motor Co.](#) to turn over safety data on its 15-passenger vans -- information the company has claimed doesn't exist -- and fined the automaker for concealing evidence, a plaintiffs attorney said.

The world's second-largest automaker is accused of hiding the evidence in a case involving the deaths of two passengers in one of the large vans when it flipped on a Kentucky highway in 1996. Thirteen people from Illinois were aboard.

Tuesday's ruling in Chicago on a motion to impose sanctions against Ford could have implications in other cases against the automaker involving E350 vans, which have come under government scrutiny because of numerous rollover accidents.

James Lowe of Cleveland, an attorney for some of the plaintiffs, said U.S. District Judge Robert Gettleman ordered Ford to pay all costs in the plaintiffs' attempts to obtain the safety records, Lowe said.

More importantly, Lowe said, Gettleman said he would inform the jury at trial that Ford's own records apparently showed the 15-passenger vans were not reasonably safe or stable.

The case, filed in 1998, is scheduled for trial Feb. 24. Ford has until Jan. 31 to turn over the safety testing records.

"It's minimum justice as far as I'm concerned, but I'm feeling very vindicated," Lowe said. "We had been yelling for a long time that Ford was not playing fair ... and now they're going to pay a price."

Ford's only immediate comment was what it has said all along about the van: The company remains confident that it's a very safe vehicle.

Despite the judge's decision to alert jurors of the hidden safety records, Ford still will be able to present evidence at the trial to defend the van's safety.

At issue in the motion for sanctions was whether Ford conducted certain safety testing on the vehicles several years ago, then hid the results from the court and plaintiffs' lawyers.

Ford says the testing in question was not done on a production version of the van but on "a rudimentary, cobbled model and was not representative of any production vehicle."

Company spokeswoman Kathleen Vokes said Friday the plaintiffs were seeking results of testing that did not apply to the van involved in the 1996 accident.

Ford has denied allegations it misled the court.

Last year the government renewed a safety warning for for 15-passenger vans, which often are used by churches, sports teams and other

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groups.

The National Highway Traffic Safety Administration has said the vans have a dramatically higher risk of rollovers when fully loaded and should be operated only by experienced drivers.

In November, the National Transportation Safety Board called on Ford and [General Motors Corp.](#) to improve the safety performance of their 15-passenger vans.

In letters to the automakers, the board urged them to test the use of electronic stability control systems to help drivers maintain better control of large vans.

Ford has said it's studying the NTSB recommendations.

The board also has asked NHTSA to expand its rollover ratings to include 15-passenger vans.

The government's current vehicle rollover ratings apply to passenger cars, trucks, minivans and sport utility vehicles.

About 500,000 15-passenger vans are in use on U.S. highways. According to NHTSA, 424 people have died in passenger van accidents in the United States since 1990.

In afternoon trading Tuesday on the New York Stock Exchange, Ford shares were off a penny to \$10.15.

On the Net: [Ford Motor Co.](http://www.ford.com), <http://www.ford.com>


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