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## Ford settles suit involving van deaths

By John Porretto / AP Auto Writer

DETROIT -- [Ford Motor Co.](#) has settled a lawsuit in which it was accused of hiding evidence regarding the safety of its 15-passenger vans and in which a federal judge said the automaker's conduct "almost borders on criminal."

The world's second-largest automaker was accused of concealing safety data in a case involving the deaths of two passengers when one of the large E350 vans flipped on a Kentucky highway in 1996. Thirteen people from Illinois and two from Michigan were aboard.

Last month, U.S. District Judge Robert Gettleman of Chicago ordered Ford to turn over safety records -- information the company claimed didn't exist -- and fined the automaker after plaintiffs' attorneys filed a motion to impose sanctions.

The case was scheduled for trial Monday in Chicago, but Ford and attorneys for the plaintiffs settled out of court earlier this week -- a few days after a hearing in which Gettleman had some harsh words for the automaker.

"I don't want to believe lawyers would come and risk their licenses and livelihoods and professional reputations by making false statements to a court, but that's what is happening," Gettleman said during a hearing last Friday. "Whether they're being set up by their client to do it ... you know, it's a big company ... and maybe they can do that sort of thing and hope they get away with it ... It almost borders on criminal to be honest with you."

Neither side would disclose the amount of the settlement. Ford faces other claims involving E350 vans, which have come under government scrutiny because of numerous rollover accidents.

Ford has steadfastly maintained that its 15-passenger van is a safe vehicle and underwent extensive testing.

The automaker said disputes that arose in the Chicago case involve the definition of technical terms, such as "rollover," "that may be interpreted differently by engineers and lawyers."

"There was no attempt by any Ford employees to withhold or conceal any of this information," the company said in a statement, adding that the Kentucky accident was caused when the van's driver fell asleep at the wheel.

But James Lowe of Cleveland, an attorney for the plaintiffs, said Ford deliberately concealed evidence that shows the 15-passenger vans are prone to rollovers.

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.

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Ford has said 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."

At last Friday's hearing, which resulted from Ford asking Gettleman to reconsider his sanctions, Lowe said he presented previous testimony from a Ford engineer, Donald D. Thrasher, who denied ever seeing one of the large vans roll over.

Lowe said he also had testimony from a test driver, Richard Schettler, who said he flipped one of the vans on its side during a session witnessed by Thrasher.

Ford says there are differing degrees of a rollover, and a van tipping over on its side does not technically constitute a rollover.

"That's absolutely nonsense," Lowe said. "Does Ford really want people to believe that a vehicle falling on its side is not a rollover?"

Last year, the government renewed a safety warning for 15-passenger vans, which often are used by churches, sports teams and other 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 Friday on the New York Stock  
On the Net:

Ford Motor Co., <http://www.ford.com>

rise 12%

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