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Monday, February 23, 2004

Jury selection to begin in fatal church van crash lawsuit

By Lynn Brezosky / Associated Press

LAREDO, Texas -- A 15-passenger **Ford Motor Co.** van overturned on a Mexican highway two years ago, killing three young missionaries and injuring six others, because of manufacturing defects, according to a lawsuit filed by survivors and victims' relatives.

Bethany Bosarge of Peachtree, Ga., Malori Smith of Highlands Ranch, Colo., and Jonnathan Lomeli of Laredo, Texas, died in the June 30, 2002 accident. At the time, Bosarge was 16, Smith was 17 and Lomeli was 23.

They were members of Victorious Christian Harvesters church, which owned the 1998 van.

The accident occurred as they returned from a mission to Mexico City when driver Adam Turner lost control and the van overturned on a highway near Monterrey, Mexico.

Jury selection was scheduled to begin Monday in the case against Ford. According to the lawsuit, the automaker negligently marketed a vehicle that was unstable and had dangerous window glass and roof components.

Ford spokeswoman Kathleen Vokes said the accident was caused because a tire lost its tread and road conditions were poor.

"Under these severe conditions, any van, pickup, or sport utility vehicle and many passenger cars would have rolled over," she said. She said that the roof of the van had passed federal strength tests.

Plaintiffs' attorney Jeff Wigington said the trial would show Ford essentially put rows of seats in a work van, creating a minibus that is top heavy and prone to overturn. The plaintiffs are seeking undisclosed monetary damages.

Wigington said more than 300 people have died in 15-passenger van rollover accidents involving the E-350.

"These vans have a horrible track record for safety," he said. "It you will compare the number of people who die in these 15-passenger van rollover accidents it is more than twice the number that have been killed in Ford-Firestone accidents, and everybody's heard about that."

In 2002, the government renewed a safety warning for 15-passenger vans, which often are used by churches, sports teams and other groups.

When carrying 10 or more people, the vans are three times more likely to roll over than lightly loaded vans, the National Highway Traffic Safety Administration found.

Last month, a federal judge ordered Ford to turn over safety data on its 15-passenger vans -- information the company has claimed doesn't exist.

The lawsuit also names Turner, the church and Sames Motor Co., Inc.

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of Webb County, where the van was purchased.

Another co-defendant, Michelin North America, reached an out-of-court settlement late Saturday for an undisclosed sum, company spokeswoman Lynn Mann said. The lawsuit alleged that defective tires contributed to the crash.

The lawsuit is the first involving Ford's E-350 Econoline van to go to trial in six years, when a Kentucky jury awarded plaintiffs \$20 million in a similar case.

In the Kentucky case, Ford was accused of hiding evidence. Two passengers in one of the large vans died when it flipped on a Kentucky highway in 1996. Thirteen people from Illinois were aboard.

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

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