

Common Car Defect Causing Brain Injury in Children in Back Seats

On behalf of Johnston, Moore & Thompson

- November 12, 2010

Aaliyah George's parents thought they were doing the safest thing for her when they placed the two-year-old's car seat in the back seat three years ago. Then they were in what should have been a relatively minor car accident.

The family's 1997 Plymouth Neon was stopped at a red light when another car that was going just under 30 mph rear-ended them. Instead of absorbing the rear-impact, however, the driver's seat that was in front of Aaliyah collapsed and hit her in the head, causing a permanent [brain injury](#).

Now 5, Aaliyah has a hard time with basic tasks like banging on a play drum. She can't dress herself. She needs substantial care.

Family Wins Product Liability Suit Against Seat Manufacturer

Was the seat in the 1997 Plymouth that broke and struck Aaliyah faulty? It wasn't a manufacturing mistake -- the seat actually exceeds the manufacturer's safety standards, which are stricter than those required by the federal government.

Nevertheless, Aaliyah's parents sued Johnson Controls Incorporated, the company that made the seats for the Plymouth Neon, claiming that the driver's seat was unreasonably dangerous. Because of its propensity to collapse and fall backward during rear-end collisions, it counts as an [auto defect](#) even though it met all federal safety requirements.

The jury agreed and awarded Aaliyah \$8 million in damages for her brain injury.

There have been scores of similar injuries to children across the U.S. from drivers' and passengers' seats that collapse instead of absorbing a rear-impact.

"The front seat occupant becomes the missile that goes back and hits the brain of the child in the head," explains the Georges' personal injury attorney. ""We're seeing severe injuries to the frontal lobes of the brain and it's just devastating to these young children."

Lou D'Aurelio, an engineer who testified on behalf of the Georges, described what happens when one of the front-row seats collapses.

"Either the seat or the body, the head, or both are going to smack into whoever is sitting behind them. Most of the time, these days, that's going to be a child."

Currently, a Cardboard Seat or a Lawn Chair Can Pass the Federal Safety Standard

The current federal safety standard for seat back strength is so weak that a lawn chair and a seat made of cardboard have been able to pass it, says D'Aurelio. The standard was created in 1968, and D'Aurelio and other automotive experts have been trying to get it changed for years. There is no specific safety standard about how passengers should be protected if the front-row seats collapse in an accident.

The National Highway Traffic Safety Administration says the agency is considering updating the seat-back strength standard, but no decision has been made.

Johnson Controls plans to appeal the jury verdict.

"As a seat supplier, Johnson Controls followed the design specifications provided to it by the car manufacturer and met every performance requirement," said the company in a statement.

"It is undisputed that the seat in question was in compliance with the car manufacturer's safety requirements which are more stringent than Federal Motor Vehicle Safety Standards (FMVSS)."

Source: WMAQ -TV Chicago, "[Collapsing Car Seats Blamed for Injuring Passengers](#)," Lisa Parker, November 10, 2010