

A FAMILY'S SEARCH FOR ANSWERS UNCOVERS FATAL FLAW IN GM CARS

On March 10, 2010, Brooke Melton experienced the worst kind of déjà vu. Four days earlier, she had wrestled her 2005 GM Cobalt to the side of the road after the engine suddenly shut off. The car was serviced and supposedly fixed, but it happened again, cutting off power to her steering and brakes. This time Brooke, a 29-year-old pediatric nurse, lost control and swerved into another car. She died in the collision.

Brooke's parents were "boiling mad" that a defect in their daughter Brooke's 2005 Chevrolet Cobalt might have caused the accident that killed her in 2010. So they hired a lawyer, who hired experts to investigate the accident. The experts discovered via the car's "black box" that the ignition in Brooke's car had switched from "on" to "accessory" seconds before the crash, shutting off power to her steering and brakes. During depositions with General Motors, maker of the Cobalt, it was revealed that the company knew of the ignition defect as far back as 2004 and had even developed a partial remedy. But a "business decision" was made to cover up the problem rather than recall the affected vehicles. Fixing the defective ignitions would have cost GM \$1 per car.

By the time the Meltons uncovered the truth and GM issued a recall for 2.6 million cars, the defect was blamed for at least 22 accidents and 13 deaths. There is also evidence that the federal agency tasked with regulating auto manufacturers knew about the defect but failed to act. "In 2007, the National Highway Traffic Safety Administration began to connect the dots with that first death and the faulty ignition switches, but no investigation was launched," according to a report from National Public Radio.

So, if companies put profit before safety and regulators drop the ball, how can the average American hold these institutions accountable? The answer, as vividly illustrated by the Meltons and so many before them, is our constitutional right to hold accountable in a court of law those who have caused us harm. This power – which we entrust to a jury of 12 ordinary people – has resulted in a long list of revelations, followed by demands that manufacturers improve the safety of their products.

So beware when you hear we need "tort reform." Special interest groups are making proposals that limit the rights of people like the Meltons injured by defective products, toxic chemicals, medical malpractice and other wrongdoing. "Tort reform" upsets centuries-old laws that balance the rights of the individual against the advantages of those with power and influence.

Nothing in this article should be construed as legal advice. You must consult with an attorney for the application of the law to your specific circumstances.

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