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PLAINTIFF'S EXPERTS

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Seating Design

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Reclined car seat led to major injuries Automaker to pay woman \$1.6M

By Frank Kummer
Courier-Post Staff

MOUNT HOLLY

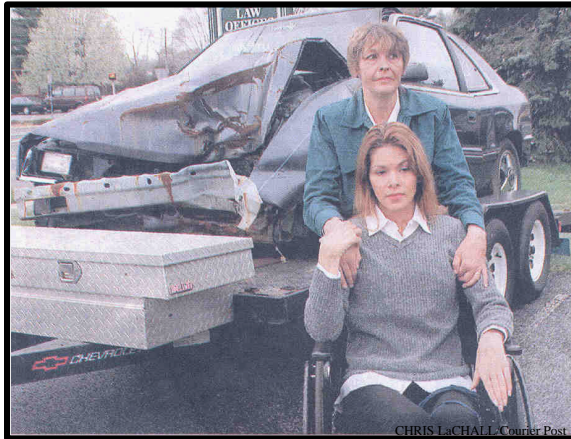
DaimlerChrysler will pay \$1.6 million to a onetime teen model and soccer star from Browns Mills who climbed into a friend's Plymouth Sundance seven years ago and was left a paraplegic when it crashed into a telephone pole.

"I was shocked," Jackie Lee, 23, said after hearing the results of her settlement with the automaker Friday afternoon.

"It was never about the money. But a part of me is sad it's settled. The accident was familiar to me. I've lived...it for seven years."

Lee, who lives with her mother in Browns Mills, gets \$500 a month in Social Security payments. She plans to "make the auto industry wake up and listen."

Lee attributes the severity of her injuries - severed vocal cord nerves, constant neck & back pain, and paralysis in her left leg - to a flaw she says is designed into most cars.



Jackie Lee, with her mother, Carol, sits in front of the car she was riding in during a 1992 accident.

She was reclined and asleep in the front passenger seat when her friend, Keith Lewis, fell asleep at the wheel around 7:20 a.m., while driving her home from a party on Long Beach Island on May 25, 1992.

Neither Lewis nor Lee, who was 17 at the time, had been drinking.

The car struck a telephone pole. On impact, Lee slid under the seat belt, which cut into her neck, cutting through nerves and into her spinal cord. She was paralyzed and unable to speak after the accident.

Lewis suffered only a broken ankle, although the driver's side was nearly crushed.

Lee's goal is to force auto manufacturers to place clear warnings about the dangers of reclined seats, install warning lights if a seat is in the reclined position while the car is moving, or force them to keep the seats from reclining in the first place.

Lee filed a product liability civil lawsuit in Superior Court in Burlington County in 1995. The suit charged Chrysler as well as Garden State Motors with "carelessness, negligence and reckless disregard for safety."

Trial began this week and attorneys were picking a jury when settlement was reached Wednesday, DaimlerChrysler agreed to a final figure Friday.

"This is not an admission of guilt at all," Daimler-Chrysler spokesman Mike Aberlich said. "It's just part of the process. You make a decision based on the level of injury, the level of publicity a case is going to get. It's considerably less than what she was asking for."

Aberlich said the 1988 Plymouth Sundance's manual contained a "very complete warning" about riding in a reclined position - along with some 60 other safety warnings.

For example, he said, Lee was not wearing the car's lap belt despite a clear warning that seat belts should be worn at all times - a warning printed on the sun visor in front of the passenger seat.

"The clearest warning that is out there is to wear your seat belt," he said. "That warning was ignored. And we can't possibly print them all on the visor."

Aberlich believes the shoulder harness that caused Lee's injuries likely saved her life because she did not wear the lap belt at the same time.

Lee's attorneys, however, painted a different picture. They hailed the settlement as a big win for consumers as "the first case of its kind" revolving around reclined seats while in a crash.

"If you're reclining your seat, you're subjecting your loved ones - children, spouses - to grave danger," said Andrew J. Rossetti, the lead attorney on the case for Ferrara & Rossetti in Cherry Hill.

Rossetti said the government and automakers knew of problems with reclining seats as far back as 1973, and could have taken inexpensive steps to correct them.

Tim Hurd, a National Highway Traffic Safety Administration spokesman, said crash tests aren't carried out with seats reclined.

"Any time you change from that (upright position) is reducing the protection of the system," Hurd said.

After the crash, Lee was told she would never walk or talk again. But after years of physical therapy, seven surgeries and \$500,000 in medical treatment, Lee can walk with a cane. She speaks softly, but clearly.

Tall, lithe, pretty and articulate, Lee had modeled for a magazine and won numerous soccer trophies at Pemberton High School, where she was a junior at the time of the crash.

She was working part-time at Great Adventure when she agreed to attend a party at the Shore with her best friend, Lewis, after the Pemberton prom. She did not attend the prom, but went with Lewis to the party after work. The crash occurred on Route 537 in Jackson Township.

As a result of the settlement, DaimlerChrysler will put \$710,000 into an annuity for Lee. From that, she'll receive payments of \$3,764 a month for life, or about \$45,000 a year.

Expert witnesses will be paid \$225,000. The attorneys will get between \$300,000 and \$400,000. The remainder will pay Lee's medical bills.

Lee said the experience has not dampened her enthusiasm for life. At first glance, little appears wrong with Lee, except for her limp with the cane.

But thick scars emerge when she pulls the top of her blouse down slightly to reveal her neck. She lifts her right arm to reveal how it has withered.

Her attorneys had the car in the crash towed to their law office for Friday's press conference. Lee peered inside at the passenger side, where the seat was still reclined. Tears filled her eyes.

Later, Lee said she is determined to gain full use of her legs.

"I've never listened to the doctors. I don't want to start now."

Staff writer Carol Comegno contributed to this report.