

Consumers Seek Court Order Compelling Ford Motor Co. to Issue Safety Advisory to Car Owners over Sudden Acceleration

Request for injunction filed on behalf of purchasers of Ford vehicles with alleged defects that cause sudden unintended acceleration; plaintiffs seek to have Ford issue customer guide on how to handle acceleration event while driving; proposed class actions expanded to include plaintiffs from 30 states

CHICAGO/HUNTINGTON, W.VA. (November 18, 2013) – In the latest development in an ongoing consumer lawsuit against **Ford Motor Company** over sudden acceleration of the company’s cars, attorneys for plaintiffs filed a motion for preliminary injunction, requesting that the court order Ford to issue a customer service advisory to purchasers and lessees of certain Ford, Lincoln, and Mercury vehicles on how to handle a sudden unintended acceleration event should it occur.

The motion for injunction was filed in the U.S. District Court for the Southern District of West Virginia in Huntington by leading litigation law firm **Grant & Eisenhofer P.A.**, and other firms, including Spilman, Thomas & Battle, PLLC; The DiCello Law Firm; Bucci Bailey & Javins L.C.; Bartimus, Frickleton, Robertson & Gorny, P.C.; Murray and Murray Co., L.P.A.; Searcy, Denney, Scarola, Barnhart & Shipley PA; Siprut P.C.; Bremer, Whyte, Brown & O’Meara LLP; The Miller Law Firm, P.C.; Davis, Bethune & Jones, LLC; Edgar F. Heiskell, III; and Isaac, Wiles, Burkholder & Teetor LLC.

The plaintiffs’ original class action, filed this past March against Ford for alleged defects in its cars causing unintended acceleration, seeks compensatory relief on behalf of a proposed class of potentially millions of owners and lessees of 35 different models of Ford, Lincoln, and Mercury vehicles manufactured between 2002 and 2010. The group has grown to include plaintiffs from 30 states.

Requiring Ford to issue a customer service advisory is the only relief that plaintiffs’ counsel seek with the new motion, which states that “[p]roviding instructions on ‘what to do’ should an event occur could mean the difference between life and death.” Plaintiffs argue that vehicle owners are exposed to dangerous sudden acceleration events that could be avoided if Ford provides consumers with instructions on how to respond. The court papers maintain that in model year 2012, Ford finally acknowledged the need for information instructing drivers how to safely respond to a sudden unintended acceleration event. The company began providing those instructions with new vehicles, but has refused to share them with owners of vehicles produced between 2002-10.

“This is an opportunity for Ford Motor Company to potentially save lives,” said **Adam Levitt**, head of Grant & Eisenhofer’s Consumer Practice group. “There’s no reasonable explanation for depriving owners of emergency information on how to stop their cars in the event they were to accelerate uncontrollably into traffic, pedestrians or off the highway. We strongly believe that any economic burden to Ford in having to issue this important advisory concerning millions of its cars is far outweighed by the benefits of notifying and educating consumers about how to best address sudden unintended acceleration events to avoid injury or death. This motion boils down to having Ford simply do the right thing here.”

The motion requests the court to enter an Order compelling Ford to communicate the following instruction to Ford vehicle owners in the suit:

http://www.gelaw.com/press-release/How_to_STOP_YOUR_CAR.pdf

“Many drivers would not automatically know what to do in the event of sudden unintended acceleration,” Mr. Levitt said. “One’s first instinctive reaction would likely be to pump the brake, which is what they always taught in drivers’ education classes. But in this instance, that instinct is wrong – and sometimes fatal. The stories that Ford owners have told us in researching these incidents are truly frightening.”

Mr. Levitt points to a few examples:

- Mary P. of Montana narrowly escaped death in July 2010, when she and four friends were traveling in her 2009 Ford Fusion. She attempted to pass a small motor home, but after pulling out of her lane, she spotted another vehicle and thought it best not to pass. When she hit the brake to slow down and return to her lane, her car accelerated instead. She was able to force the car into neutral and slow down enough to pull into a parking lot where she told her friends to get out of the car as quickly as possible, fearing it might take off again. After the vehicle stopped, Mary had to physically pull the stuck gas pedal up off of the floor. There was no interference from the floor mat whatsoever. A second similar incident occurred in December 2011 when Mary’s car suddenly and without warning accelerated, and fortunately she was able to regain control of her vehicle. Mary still drives her vehicle, but with a cord attached to the accelerator pedal and tied to the automatic gear shift handle to help her react when sudden acceleration events occur.
- In September 2012, Joan S. of Michigan was driving her 2010 Ford Fusion when she pulled off of the main road into a parking lot. She slowly made a right turn into the parking space, took her foot off the accelerator and put her foot on the brake, but the car revved and accelerated forward uncontrollably. Even as her foot was still on the brake, her car jumped the concrete block, onto the sidewalk and crashed into the wall and shattered the window of the dry cleaners in front of her. Thankfully, Joan narrowly missed killing four people in the cleaners and killing herself due to having her seatbelt on. Even though her foot was firmly on the brake, her Ford Fusion continued to accelerate until the building stopped her car. Even though she had her car repaired, every time Joan pulls into a parking spot she is very much aware of the possibility of her car unexpectedly accelerating.
- While driving her 2006 Ford Freestyle with her three young children, Jennifer D. of Texas experienced what no parent would want: the car accelerated out of control, nearly collided with other vehicles, and narrowly missed running over pedestrians. In June 2010, as the family was parked at a restaurant, Jennifer put her vehicle in reverse and began to slowly back out of the parking space. The vehicle suddenly raced backwards and came within inches of hitting another person and the vehicle parked next to her. Then in August 2010, once again with her children in the car, and while backing out of a parking space, her car reversed uncontrollably, again coming close to hitting nearby pedestrians. Later that month, she was almost hit by an 18-wheeler when her vehicle accelerated suddenly while she was driving on a rural highway. Because of these repeated incidents and fearing for her children’s lives, Jennifer sold her vehicle in May 2012.
- Patricia C. of Texas was riding as a passenger in her 2006 Mercury Grand Marquis, with her sister behind the wheel, when the car seemed to take on a will of its own, rejecting her sister’s attempts to brake to a stop. Instead, the Mercury accelerated uncontrollably, barreling down an interstate highway. Patricia’s sister swerved to avoid a car that was merging into their lane. Later, after she was able to slow the vehicle and bring it to a stop on the shoulder of the road, the car once again shot forward unprompted with such force that it landed nose-up in the back side of a ditch. Patricia took the car to her Lincoln Mercury dealer, who told her the only

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problem was that she was “an old woman who didn’t know how to drive.” Patricia continues to experience engine revving- even when she has her foot on the brake - and has learned to shift into neutral to avoid danger.

The models of Ford vehicles named in the preliminary injunction motion are:

Ford vehicles: 2005-2009 Crown Victoria, 2005-2010 E-Series, 2007-2010 Edge, 2009-2010 Escape, 2005-2010 Escape HEV, 2005-2010 Expedition, 2004-2010 Explorer, 2007-2010 Explorer Sport Trac, 2004-2010 F-Series, 2005-2007 Five Hundred, 2009-2010 Flex, 2008-2010 Focus, 2005-2007 Freestyle, 2006-2010 Fusion, 2005-2010 Mustang, 2008-2010 Taurus, 2008-2009 Taurus X, 2002-2005 Thunderbird, and 2010 Transit Connect.

Lincoln vehicles: 2003-2006 LS, 2006-2008 Mark LT, 2009-2010 MKS, 2010 MKT, 2007-2010 MKX, 2006-2010 MKZ, 2005-2009 Town Car, and 2006-2010 Zephyr.

Mercury vehicles: 2002-2005 Cougar (XR7), 2005-2009 Grand Marquis, 2009-2010 Mariner, 2005-2010 Mariner HEV, 2006-2010 Milan, 2005-2007 Montego, 2004-2010 Mountaineer, and 2008-2010 Sable.

Those seeking additional details may call the toll-free number **866-365-8533** or visit www.gelaw.com/ford/

The case is styled as: *Belville, et al. v. Ford Motor Company*, Case No. 3:13-cv-6529 (U.S. District Court, Southern District of West Virginia, Huntington).

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