

Jury Hands Mazda Victory In \$7M Seat Belt Defect Suit

By **Kat Greene**

Law360, Los Angeles (October 13, 2015, 10:39 PM ET) -- Mazda Motor Corp. is off the hook in a woman's \$7.3 million lawsuit claiming the company's automatic seat belt design in its 1994 model Protege caused her to suffer organ damage in a crash, a Montana federal jury found Tuesday.

After a seven-day trial and three hours of deliberation, the jury returned a verdict in favor of Mazda, shutting down Incarnacion Speaks' product liability suit alleging the design of the automatic belt in her 1994 Mazda Protege couldn't adequately restrain her and that the company had rejected safer alternatives that were available at the time, according to a verdict posted Tuesday.

"Today's verdict reflects the careful attention given to this case by the court and our jury," Michael Carey of Bowman and Brooke LLP, one of Mazda's attorneys, told Law360 on Tuesday. "The 1994 Mazda Protege's front passenger restraint system is safe, well-designed, and convenient for occupants."

Speaks, who is 4'9", was in an accident while riding in the passenger seat of the car in Missoula, Montana, in 2011, and the passive shoulder belt didn't restrain her, causing life-threatening injuries, according to her 2014 lawsuit. She accused Mazda of being indifferent to the potential dangers of its seat belts while better designs were available, according to her complaint.

Speaks had asked the jury for \$7.26 million in closing arguments, defense attorneys said.

The case made it to trial when U.S. District Judge Dana L. Christensen refused to shut down Speaks' claims in summary judgment, rejecting Mazda's argument that her claims are preempted by the U.S. Supreme Court's decision in *Geier v. American Honda Motor Co.*, court records show. Unlike the plaintiff in *Geier*, Speaks hadn't claimed that her car should have had an airbag or that all automatic seat belts are defective, the judge found.

Mazda had said the plaintiff made a meaningless distinction between her case and *Geier* when she stated that she wasn't criticizing Mazda's decision to use a passive restraint system but how it had implemented its design, but Judge Christensen disagreed, according to the filings.

Last week, Mazda asked the judge to toss a strict liability claim from Speaks' suit over her expert witness's criticism of passive seatbelts in general that he linked to criticisms of her car's passive belt design, court records show. The testimony crossed "impermissibly and intractably into preempted territory." Those claims were preempted, Mazda said in a filing.

The jury ultimately found in the Japanese car company's favor, finding that the Mazda Protege was not defective in its design, according to Tuesday's filing.

"Throughout the case, we were certain that Ms. Speaks was not injured by a defect in the geometry or 'fit' of the restraint system in her Mazda Protege," a Mazda spokesman said. "We are pleased that the jury in this case reached the correct verdict."

A representative for the plaintiff didn't immediately respond to a request for comment late Tuesday.

Speaks is represented by Dennis P. Conner of Conner & Marr PLLP and Steve Fletcher of Fletch Law PLLC.

Mazda is represented by David R. Kelly, Jeffrey T. Gorcyca and Michael R. Carey of Bowman and Brooke LLP, and Ronald A. Bender and Matthew J. Cuffe of Worden Thane PC.

The case is Speaks v. Mazda Motor Corp. et al., case number 9:14-cv-00025, in the U.S. District Court for the District of Montana.

--Additional reporting by Emily Field and Joe Van Acker. Editing by Kelly Duncan.

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