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Federal Jury Sides with Hyundai in Death Trial Rejects Claim of Manufacturing Defect

Roanoke, Virginia, February 27, 2019 A federal jury in Roanoke, Virginia ruled in favor of Hyundai Motor Company and Hyundai Motor America, Inc. at the end of a hotly contested product liability trial.

The family of Shannon Whitaker alleged that her 2007 Hyundai Santa Fe was defective because a critical wiring harness had become disconnected. Mrs. Whitaker was found dead between her car and the side of her house in Pulaski, Virginia on October 16, 2015. Police found that the vehicle was not in park and that the keys were out of the ignition. Federal Motor Vehicle Safety Standard 114 requires that vehicles be designed to prevent key removal unless the automatic transmission is in Park and the key cylinder is in the Off/Lock position. The 2007 Santa Fe used an electrical connection to power an interlock to prevent key removal. The crucial wiring harness was found to have been disconnected at the time of the accident.

The plaintiff alleged that the connector had never been fully mated and locked together at the factory. Hyundai countered that it was mated and locked, but that it had been parted, probably during installation of an after-market radio.

The plaintiff called William Carden of McSwain Engineering to testify that a total of twelve exemplars—eleven of them the defendants'—showed scratch marks that proved that they had been fully inserted at the factory. The scratches on the subject connector were half as long. The plaintiff said that proved that the subject connectors had never been pressed all the way together.

The defense called Dr. Viola Acoff, a Professor of Metallurgy and Associate Dean of Undergraduate and Graduate Studies at the University of Alabama. Acoff's energy dispersive spectroscopy of the metal connectors showed signs of electrical contact and arc striking at a point that could only have been made if the connectors had been fully mated and locked. Simon Lockyer-Bratton of Los Angeles replicated Acoff's results with his own analysis.

Eddie Cooper of Arizona identified tool marks on the connector housing that established that the connectors had been pried apart with a metal pick.

The factory line manager from Hyundai Motor Manufacturing of Alabama produced the vehicle check report that established that the connector in question was working at the end of the assembly line. A representative of Hyundai Motor America, Inc. testified that there were 459,313 substantially similar vehicles sold and that there had been no other instance of a parted connector.

Hyundai brought half of a Santa Fe into the courtroom and dismantled it before the jury to show how the Whitaker vehicle had been altered.

The jury took less than 2 hours to agree that the defect did not exist when the vehicle left the factory.

Hyundai was represented by Christopher C. Spencer and Christopher W. Bascom of Spencer Shuford LLP in Richmond, Virginia, by Timothy E. Kirtner of Gilmer, Sadler, Ingram, Sutherland & Hutton, L.L.P. in Pulaski, and by Thomas N. Vanderford, Jr. of Hyundai Motor America, Inc. in Fountain Valley, California.

The plaintiff was represented by James A. Lowe and Gregory S. Scott of Lowe Ecklund Wakefield, Co. LPA in Cleveland, Ohio and by Peter A. Katt and Stephen C. Huff of The Law Offices of David L. Crandall & Associates in Roanoke.

The case is Whitaker v. Hyundai Motor Company, et al., Civil Action No. 7:17-cv-00055-MFU-RSB in the United States District Court for the Western District of Virginia.

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