

Product Liability – Hydraulic Steering System

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Product Liability

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Dawn M. Piccirilli

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This case involved the hydraulic steering system in a Pepsi-Cola tractor-trailer. Boyle | Shaughnessy Law shareholder, Dawn Piccirilli, assisted by Boyle | Shaughnessy Law shareholder, John Tilley, represented the manufacturer of the steering system, R.H. Sheppard of Hanover, Pennsylvania. The owner of the Pepsi-Cola tractor-trailer, New Bern Transport Corp., alleged that the steering system was defective and was the cause of a head-on collision between the tractor-trailer and a Honda that resulted in catastrophic injuries to the operator of the Honda, a 73 year-old woman. The case was tried before Judge Dupuis in Bristol County.

The operator of the Honda and her husband filed a lawsuit against New Bern and the operator of the tractor-trailer, and their claims settled for \$3,000,000. Before the settlement occurred, New Bern brought a third-party action against R.H. Sheppard Inc. seeking contribution. New Bern's claims against R.H. Sheppard were for negligent manufacturing and breach of implied warranty of merchantability. New Bern alleged that R.H. Sheppard's negligence and/or beach of the implied warranty of merchantability was a substantial contributing factor to the collision and injuries to the plaintiff.

There were numerous fact witnesses and expert witnesses called by each side. There was a very significant factual dispute about the circumstances that led to the crash. This dispute also played a part in the validity of New Bern's causation analysis. New Bern primarily relied on the testimony of the tractor-trailer operator who testified that prior to the collision he experienced a steering "lock-up" as he traveled over train tracks and that he was not able to turn the steering wheel to the right to avoid the collision that occurred beyond the tracks. In addition, New Bern offered the expert testimony of failure analyst, William Howerton, an engineer who testified that R.H. Sheppard was negligent in its manufacture of the steering gear, and specifically that its de-burring practices were inadequate and allowed metal particles to circulate in the closed steering system, which led to a steering malfunction and caused the gear to lock in a left steer position.

The defense offered both fact and expert testimony to refute New Bern's position that a steering malfunction was the cause of the accident. Specifically, the defense offered both fact and expert testimony that the operator's negligence was the sole cause of the accident. In addition, the defense offered expert testimony supported by contamination testing that the presence of metal particles in the steering system is expected, and that the steering system is designed to operate normally in the presence of metal contaminants. Additionally, the defense offered both fact and expert testimony to support R.H. Sheppard's claim that if a particle did in

fact cause a lock-up, New Bern was independently liable for its failure to properly maintain the steering system.

The trial, including jury deliberations, lasted approximately four weeks. At the conclusion of the case, the jury returned a defense verdict.