

Infant Killed In Parked Van, Parents Recover \$4M

Installed 'Hot Wired' Back Seat Crushed Boy

BY MARC HOGAN

The parents of an infant who was crushed to death by a motorized seat in the back of a parked Ford Econoline van have settled a lawsuit against Ford Motor Co. and other defendants for \$4 million.

The settlement appears to be the largest product liability settlement reported so far this year in Ohio.

The specific terms of the settlement were not disclosed.

But a Ford spokeswoman, Kathleen Vokes, said that Ford did not contribute any money to the settlement.

Vokes said any fault was the responsibility of a codefendant, Starcraft Automotive Group, and that Ford "absolutely" did nothing wrong.

"We [just] provided the shell of a van to Starcraft," Vokes said. "They were the ones responsible for the suit."

The case settled a few days before it was to go to a jury trial in front of Judge Burt W. Griffin in the Cuyahoga County Court of Common Pleas.

If the settlement had not been reached, the father's responsibility to monitor his children would have been a major issue at trial, said Christopher M. Mellino of Cleveland, counsel for the plaintiff.

In the case, the child was killed while



playing in the parked van while his father was inside the house making dinner.

However, Charles Kampinski, who also represented the plaintiff, noted that the victim was out of his father's sight for only six minutes.

"Everybody I know lets their kids go in the car," Mellino told Lawyers Weekly. "As

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long as the key isn't in the ignition, [parents] think it's perfectly safe."

Another point of contention would have been foreseeability. Mellino observed, pointing to the relatively small number of reported incidents in connection with the vehicle.

He compared the motorized rear sofa seat to early types of power windows, which used to operate without a key in the ignition.

'Hot-Wired' Rear Seat

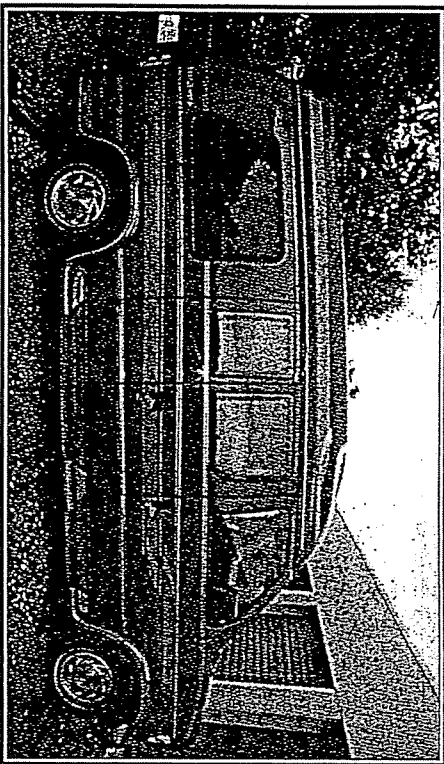
The victim in the case, 3-year-old Alexander Callam, was playing with his younger brother in the back of the van on May 9, 1998 when he was pinned against a bench by the vehicle's adjustable rear sofa seat, suffocating the child.

The rear seat was "hot-wired," meaning that it could be activated even though the vehicle was parked and no key was in the ignition.

At the time of the fatal accident, the 1996 van was parked at the Callams' Chesterland home and the mother, Deborah, was at the hospital visiting another child.

Christopher and his younger brother were being cared for by their father, Chuck, who had just returned from work and had gone inside the house to prepare dinner.

"When [the father] turned around, the two kids were gone," said Kampinski. "By the time he found [the children], it was too late."



The seat that crushed Alexander operates electronically, with switches located behind the driver's seat and on a panel inside the rear door, Kampinski noted.

"Just push the switch and [the rear sofa seat] move at a force sufficient to crush a child," Kampinski explained.

A Family Van

The Econoline vehicle had been advertised as a family van — even as a "play area," Kampinski told Lawyers Weekly.

Ford had manufactured the particular van and shipped it to Starcraft Automotive Group, Inc., another defendant in the case.

friend of the Callams, who allowed them to borrow it for a family vacation.

Investigating The Vehicles

Ford still manufactures the Econoline, but the van's major components — including the seat that caused Callam's death — were installed by Starcraft.

Starcraft has agreed with the National Transportation Safety Board to install an "interlock" switch on the vehicles, Kampinski said. "The switch will require a separate key to activate the rear motorized sofa seat."

There have been at least four incidents involving the rear sofa seat on the Econoline, according to Kampinski. In addition to Callam, one other child has died, 3-year-old Joseph Ramon of Michigan.

"Not a lot of thought was put into this van," said Kampinski, noting that the Ohio Transportation Board is investigating the vehicles.

As for the Callams, they "are doing as well as could be expected," Kampinski said. "No one should have to bury a child."

Since the accident, Alexander Callam's parents have operated a Web site [www.conversionvanseat.com] that describes their son's death and argues for change in the way the vans are produced.

"Money was never the major issue," Kampinski explained. "But they are very pleased that something is being done about this hazard."

Efforts to reach Starcraft for comment prior to deadline were unsuccessful. □