

Explorer owners seek \$2 billion

CA class action says Ford knew of safety problems

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The seven-year legal battle between Ford Motor Co. and owners of Ford Explorer SUVs takes a new turn next week when Ford defends a class action over the Explorer's safety that seeks about \$2 billion in penalties.

The California case involves 414,000 customers who owned or leased Explorers between 1990 and 2000. They accuse the automaker of hiding safety concerns while marketing the Explorer, and contend their vehicles' resale values deflated following the Firestone tire debacle that was linked to 271 traffic deaths.

No U.S. automaker has ever been forced to pay such damages, and even if the Explorer customers win, the verdict would likely be tied up in appeals. But with 14 similar class actions pending in other states, Ford's legal bills from the Firestone recall will continue for years to come.

The automaker and Bridgestone-Firestone successfully stopped a nationwide class action by Explorer customers in 2002, but Bridgestone-Firestone has settled all other claims since then. Ford and the attorneys in the California case also have held settlement talks ahead of the trial, set to begin Monday in Sacramento.

Tab Turner, the attorney who has pursued Ford and Firestone for several years in rollover lawsuits and will present the customers' case next week, said that, if successful, the customers could seek the more than \$2 billion in profits they estimate Ford earned from sales of the Explorer in California.

He said his case would focus on how Ford advertised the Explorer, with slogans such as "Go anywhere, do anything," while engineers debated suspension settings and tire pressures that would make the vehicle more stable.

"It's how they marketed it, what they said about the qualities and capabilities of the vehicle vs. what they knew about the dangers," Turner said.

Turner said the Explorer customers suffered after the recall was announced because safety concerns weakened the residual value of their vehicles. In court filings, attorneys for the customers cite an Automotive Lease Guide report from 2000 that marks down the after-lease value of a Ford Explorer by \$1,850 following the recall.

The Explorers' values "denigrated over time as a consequence of Ford's malfeasance," he said.

As it has since questions were first raised about the Explorer, Ford maintains its vehicles were safe and that the recall was strictly due to faulty Firestone tires.

Ford spokeswoman Kristen Kinley said the attorneys for the Explorer consumers could not prove any safety defects with the Explorer. Ford also has assembled data showing the resale values of Explorers closely follows the values of similar SUVs, with no noticeable changes following the August 2000 recall notice.

"The California class action has nothing to do with safety because not a single member of the class has been hurt in any way," she said. "This case is driven by lawyers trying to line their pockets at the expense of the truth and in disregard for the safety of consumers."

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