

Civil Lawsuit Filed Against Automaker In Fatal Van Crash

POSTED: 3:42 pm PDT August 3, 2004

HAYWARD -- A lawsuit against Ford Motor Co. and Enterprise Rent-A-Car has been filed in Alameda County Superior Court on behalf of Hayward church affiliates killed or injured in a 2003 rollover accident, officials announced Tuesday.

Five people were killed and nine others were seriously injured on their March 29, 2003 trip from the St. Antonius Coptic Orthodox Church in Hayward to a weekend spiritual retreat in Yermo, near Los Angeles, officials said.

The 15-passenger, 2002 Ford Econoline van was 20 minutes from its destination, traveling north on Interstate Highway 15, when the driver lost control at a curve and the van rolled several times.

Simone Botros, 21, Mary Demian, 22, Dalal Hanalla, 26, Iman Hanalla, 24, and Christine Yousef, 18, all suffered fatal injuries, according to officials.

Others, ages 18 - 26, suffered serious injuries ranging from lacerations to the liver, spinal and pelvic fractures, to coma and multiple scarring, officials said.

All the victims had come from affiliated churches in San Jose, Monterey and Sacramento for the retreat.

Victims' representatives filed suit against the car manufacturer and rental car company on July 15 in the Hayward branch of the county courts.

The suit alleges negligence and breach of warranty against Ford, and negligence against Enterprise and the Enterprise of San Francisco, according to officials representing the victims.

Victims allege that Ford and Enterprise were aware, prior to the fatal accident, that the vans have a higher-than-average propensity to rollover when fully loaded.

On Nov. 1, 2002, the National Transportation Safety Board sent a public recommendation to the CEO of Ford noting that the vans had a

rollover ratio of 85 percent when occupied by 10 - 15 passengers, as compared to a ratio of 28.3 percent for vans with fewer than five occupants, according to the plaintiffs.

Despite this warning, and two others issued by the National Highway Traffic Safety Administration, the suit alleges the defendants did not warn the victims about the potential danger.

In addition, the suit alleges that Ford did not attempt to correct alleged design defects, such as a high center of gravity and lack of roof-crush protection.

The victims are represented by Brian Panish, Christine Spagnoli and Adam Shea with the Santa Monica firm Greene, Broillet, Panish & Wheeler, and by Joseph Babich and Robert Buccola with the Sacramento firm Dreyer, Babich, Buccola & Callaham.

The amount of damages being sought will be determined by a jury. No court date has yet been set, according to Kathy Pinckert for the plaintiffs.

Sacramento resident Dalia Demian, 28, said her sister Mary was one year away from completing her degree in aeronautical engineering at the University of California at Davis when the accident took her life. "What shocks and hurts the most is the Ford Motor Company knew that its 15-passenger vans were dangerous, but never did anything to make them safe," Demian said. She added the Enterprise knew the vans "were unstable, but failed to warn its customers that special driving skills were required."

Representatives for Ford could not immediately be reached for comment.

Enterprise representative Lee Broughton said, "Our hearts go out to the families involved in this tragic accident. With this matter now pending in the courts, we don't believe that it is appropriate to otherwise comment."

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