

GM: Blame the other driver

By NOREEN MARCUS

HOLLYWOOD – General Motors Corp. isn't responsible for a 1991 car fire that devastated the McGee family of Pembroke Pines – blame a careless driver, a GM attorney urged a Broward Circuit Court jury on Tuesday.

The accident that killed Shane McGee, 13, was "so unique that there's never been even one remotely close to it," William Kirk said in his final argument of the six-month-long product-liability trial.

He blamed Curtis Cayton, the other driver in the July 13, 1991, accident at a Virginia highway tollbooth.

A 1,300-pound trailer that was attached to Cayton's Dodge pickup truck broke free of a rusty safety chain and careened across three lanes of traffic to puncture the gas tank of the McGees' vehicle, a 1983 Oldsmobile Cutlass station wagon.

The resulting fireball killed Shane and his cousin, Nancy Hawthorne, and burned four other family members, including parents Constance and Robert, sister Kelly and cousin Jane Renze.

"How could somebody predict that?" Kirk asked the jury of six women and one man, which was expected to begin deliberations this morning.

Sheldon Schlesinger, the McGees' attorney, asked for an \$81 million award, plus potentially astronomical punitive damages against the automaker. GM makes \$500 million a month, according to testimony.

Schlesinger argued that the accident could have been prevented by a gas tank shield that GM considered but rejected because "they didn't want to spend \$2 to make a \$4.50 shield if they didn't have to."

The lengthy trial briefly captured national media attention in March when the McGees' attorneys said they wanted to question Washington lawyer Jay Lefkowitz.

Lefkowitz is a law partner of Kenneth Starr, the independent counsel investigating President Clinton.

While Starr and Lefkowitz represented GM four years ago in a case similar to the McGees', they knowingly concealed perjury by a GM engineer, the McGees' attorneys told Senior Broward Circuit Judge Arthur Franza.

After the flurry of news reports, however, the attorneys never laid out the alleged coverup for the jury.

Lefkowitz finally was dropped as a witness, his lawyer, David Bogenschutz, said on Tuesday. Schlesinger would not comment.

In the end, the trial returned to the basic question of whether GM designed a car so unreasonably dangerous or defective, the accident was bound to happen.

The Cutlass station wagon "was a safe vehicle. It continues to be driven on the road today," GM attorney James Feeney said. In 1996, there were 12,000 station wagons of the same design registered in Florida, according to testimony.

The jury could assign some or all the blame to Cayton – to GM's financial benefit.

Under Florida law, if only one of two potential defendants is sued, the one brought to court isn't responsible for the other's portion of fault.

So if, for example, jurors find GM 50 percent liable for \$81 million, the company will have to pay \$40.5 million. Cayton was sued in Virginia, and his insurer settled for an undisclosed amount.

