

Mom shares tears, pain at GM trial

by NOREEN MARCUS – Staff writer

HOLLYWOOD – In a dramatic courtroom display, Constance McGee showed Broward County jurors the deep burn scars on her legs as she tearfully revealed the scars on her heart.

McGee, 52, followed her husband, Robert, to the stand on Thursday to conclude her family's product liability case against General Motors Corp. Like him, she recalled the horror of seeing their youngest child, Shane, 13, burn to death in a car fire on a Virginia highway 6 ½ years ago.

The soft-spoken Miami-Dade County reading teacher had jurors passing the Kleenex box as she shared the pain of her darkest hour.

For six weeks in a Norfolk, Va., burn ward and then for months back home in Pembroke Pines, she endured excruciating treatment for severe burns. She also had to deal with her son's death and her inability to comfort her daughter, Kelly, 11, who also was burned in the accident.

"[Kelly] had to learn her parents couldn't protect her, just like we couldn't save her brother," McGee said, breaking down under the gentle questioning of her attorney, Sheldon Schlesinger.

Jurors next week – the trial's 14th – will hear from the defense. After the emotional testimony of the past two days, it is sure to be a much drier account of automobile design and the tragic events of July 13, 1991.

The McGees say GM considered – and rejected because of cost – a gas tank design that could have prevented the fuel-fed fire in their 1983 Oldsmobile Cutlass Cruiser station wagon. They say GM should pay punitive damages.

GM says it will prove the car was well designed and carefully tested. Another driver's negligence – not the car – caused the "one-in-a-million" accident, GM attorney James Feeney said in his opening statement.

The fire started when a trailer hitch broke loose from a Dodge pickup, crossed several lanes at a tollbooth, then slipped under the idling station wagon and punctured the car's rear gas tank, Feeney said.

"The force that the tank saw was highly concentrated and, frankly, it was unique", Feeney said. "If any other tank had been exposed to these same incredible set of ...events, the same result would have occurred."

The McGees' attorneys said a shield costing \$ 4.50 would have protected the tank from punctures.

But Feeney countered that GM tested a shield and found it had "more detrimental consequences than benefits."

"General Motors didn't reject a shield for cost considerations, but because it did not work," Feeney said. The company "continued to look at far more costly... devices to accomplish the same goal."

A statement Feeney made in opening arguments has since become a

controversial point in the trial. He tried to soften the impact of a memo he knew the McGees would introduce into evidence.

The 1973 memo written by GM engineer Edward Ivey is a cost-benefit analysis concluding it would cost about \$ 2.40 per car to prevent fuel-fed fires in all accidents.

According to Feeney, Ivey wrote the memo on his own and not for higher-ups at GM. There is no evidence “GM ever authorized this paper, ever acted on it, ever even considered it,” Feeney said.

The trial resumes on Monday.