# [***Richard Douglas Cannon v. Ford Motor Company, et al; 2007 Mealey's Jury Verdicts & Settlements 3534***](https://advance.lexis.com/api/document?collection=jury-verdicts-settlements&id=urn:contentItem:4PJ0-YPG0-0223-Y0WJ-00000-00&context=)

MID-L-677-02

May 23, 2007

**Headline:** New Jersey State Judge Finds In Favor Of Ford; Case Against Remaining Defendants Settles For $31.25 MIllion In Product Liability Case

**Result:** $31.25 million settlement ($27.25 million from AAA MidAtlantic, $2 million from E&D Auto/Gerard M. Taber, $2 million from Campana Systems)

**Injury:** Third-degree burns from the waist up, including 59 percent of Cannon's full body surface, extensive facial disfigurement, partial blindness, complete loss of the use of his left hand and other serious injuries

**Court:** N.J. Super., Middlesex Co.

**Judge:** Bryan D. Garruto

**Plaintiff Profile**

Richard Douglas Cannon

**Defendant Profile**

Ford Motor Co., AAA MidAtlantic, E&D Auto Repair, a/k/a E&D Repair, Gerard M. Taber, Mentor-Campana Systems

**Plaintiff Counsel**

Alfred D. Dimiero, Mella and Dimiero, Summit, N.J

**Defendant Counsel**

For E&D and Taber - Michael Marrone, McElroy, Deutsch, Mulvaney & Carpenter, Morristown, N.J. For AAA MidAtlantic - Judith Heim, Heim & Lamastra, Warren, N.J. For Campana - Stacey Christmas, Worthington & Worthington, Jamison, Pa. For Mentor Engineering - Adam Levy, Law Firm of Mauro Casci, Leonardo, N.J. For AAA - Jay Train IV, Weinberg, Wheeler, Hudgins, Gunn & Dial, Atlanta; Michael Graham, Garrity, Graham, Murphy, Garofalo & Flinn, Montclair, N.J

**Case Summary**

**Claim:** Product liability

**Background:** Sources told Mealey Publications that on Sept. 6, 2001, Richard "Doug" Cannon's restored 1984 Mustang hatchback stalled in the center southbound lane of Route 1 near the top of an overpass in Avenel, N.J. Though sources said the stationary Mustang was visible more than 1,900 feet away, Gerard M. Taber, the driver of a 13,500 flatbed tow truck owned by E&D Auto Repair, a/k/a E&D Repair, rear-ended the Mustang at about 57 mph as he looked at a mobile data terminal inside his truck while en route to another ***accident***.Sources said the impact crushed the Mustang's fuel tank between the tow truck's stiff front end and two rigid aftermarket steel pipes Cannon had welded to the undercarriage of the ***car*** to stiffen the Mustang's frame.At impact, sources said Cannon, then 21, was ejected from the Mustang and onto a trail of burning gasoline. Sources said he suffered third-degree burns from his waist up, which included 59 percent of his full body surface. The ***accident*** left Cannon with extensive facial disfigurement, partial blindness, the complete loss of use of his left hand and other serious injuries for which he still receives extensive treatment, sources said. Since the ***accident***, sources said Cannon has spent about 50 weeks in the hospital.Sources said Ford Motor Co. was sued by Cannon when AAA-Mid-Atlantic Inc. asserted a claim against it, alleging that the 1984 Mustang's aft-of-axle fuel tank was uncrashworthy in rear impact ***accidents***.Cannon sued Ford, AAA MidAtlantic, E&D Auto Repair, a/k/a E&D Repair, Gerard M. Taber, Mentor-Campana Systems, the maker and distributor of the mobile data terminal found in the truck, on Jan. 11, 2002, in the Middlesex County Superior Court.

**Other:** Ford's trial lasted seven weeks, sources said, and the judge found precluded the testimony of an expert witness for AAA MidAtlantic.Sources said AAA Central-West Jersey filed a third-party complaint against Harleysville Insurance Co. and Ford.On June 8, sources said Cannon settled before closing arguments in the trial with AAA MidAtlantic, E&D Auto Repair, a/k/a E&D Repair, Gerard M. Taber, Mentor-Campana Systems for $31,250,000 on a pain and suffering claim. Sources said that after deliberating four days, the jury found E&D/Taber 85 percent liable for the ***accident***, with AAA MidAtlantic 14 percent liable and Cannon 1 percent liable.Sources said the settlement of $2 million each with E&D/Taber and Mentor-Campana was for the policy limit of each.An emergency petition filed by AAA-Mid-Atlantic to stay the trial for an interlocutory appeal was rejected by the Superior Court Appellate Division, sources said.

**Defense:** Allegations denied; Taber was distracted looking at the mobile data terminal in his truck.

**Plaintiff Expert(s)**

Thomas Dingus Ph.D., Blacksburg, Va., human factors expert, testified on the human causation of the ***accident***

**Defendant Expert(s)**

Deborah Boehm-Davis PhD., Fairfax, Va., human factors expert, testified on the human causation of the ***accident*** William J. Vigilante Jr., Ph.D., Lancaster, Pa., testified on the human causation of the ***accident***

Copyright 2007 LexisNexis, Division of Reed Elsevier Inc.

LexisNexis Jury Verdicts and Settlements Report

**End of Document**