

**[Products Liability Law Daily Wrap Up, DAMAGES—MOTOR VEHICLES—
Ala. Cir.: Jury finds manufacturer liable for design defect that caused burn
injuries, death in car fire case, \(Oct. 23, 2014\)](#)**

Products Liability Law Daily Wrap Up

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By Susan Lasser, J.D.

Following a three-week trial against Mazda Motor of America, Inc. and Mazda Motor Corp. (collectively, Mazda), a jury returned a \$9.9 million verdict, awarding \$6 million to the driver of a vehicle that crashed and caught fire, according to a [press release](#) by [Beasley, Allen, Crow, Methvin, Portis and Miles, P.C.](#), the law firm representing the driver. In addition, the jury awarded \$3.9 million to the parents of a passenger who died in the fire when she was trapped by the burning car (*Hurst v. Mazda Motor of America, Inc.*, October 20, 2014, Verin, E.).

Vehicle accident and action against Mazda. Sydney McLemore, a minor, was driving a 2008 Mazda 3 sedan when she lost control of the vehicle, which began to slide sideways across the road's travel lanes. It then left the paved surface of the road, striking a utility pole on the driver's side door before spinning around the pole. Upon impact, the fuel tank ruptured, leaking gasoline and resulting in a post-collision fuel-fed fire. McLemore was able to extricate herself from the damaged and burning vehicle, but sustained significant burns over 15 percent of her body. However, her passenger, Natalie Hurst, was seated in the right front passenger seat away from the direct impact with the utility pole. Following the accident, Natalie Hurst was found in her seat, still belted, and was pronounced dead at the scene. The coroner could find no evidence of any traumatic injuries and determined the cause of her death was from thermal burn injuries. Her parents (Jon and Barbara Hurst) brought an action against Mazda on her behalf.

Both the Hursts and McLemore alleged claims under the Alabama Extended Manufacturer's Liability Doctrine (AEMLD) and for negligence and wantonness against the car maker. McLemore's [complaint](#) alleged a design defect in the vehicle which had its fuel tank positioned next to a metal muffler with a sharp edge and without a proper shield. Consequently, the fuel tank ruptured after the crash and a fuel-fed fire ensued. The complaint alleged Mazda should have been aware of the likelihood that this design would lead to a post-collision, fuel-fed fire and that it posed an unreasonable risk to the occupants of the vehicle.

The case number is [2012-900498](#) (2012 complaint).

Attorneys: D. Bruce Petway (Petway, Tucker & Barganier) for Jon and Barbara Hurst. Benjamin E. Baker (Beasley, Allen, Crow, Methvin, Portis and Miles, P.C.) for Sydney McLemore. Marcus Lee Wesley for Mazda Motor of America, Inc. and Mazda Motor Corp.

Companies: Mazda Motor of America, Inc.; Mazda Motor Corp.

Cases: CourtDecisions DamagesNews DesignManufacturingNews MotorVehiclesNews AlabamaNews