

GM is cold-hearted, attorney says

Gas-tank trial in closing arguments

By HENRY FITZGERALD JR.

Hollywood- To a billion-dollar corporation like General Motors, people area numbers and statistics to be manipulated, said an attorney for a Pembroke Pines couple who sued the company after their son was killed in an accident.

It's that cold-hearted approach to human lives that killed Shane McGee, 13, in a fiery 1991 car accident, said Sheldon Schlesinger, who is representing McGee's family in a lawsuit file in Broward County Circuit Court.

Schlesinger made the comments to jurors in the first day of closing arguments in the six-month trial of McGee v. General Motors.

"Lawyers for GM came in here with statistics and talking about how many millions of miles their cars have been driven without an accident like this," Schlesinger said. "Well this family's car only went 12 miles on the highway that day."

William Kirk, an attorney for GM, got in an hour on Monday of his expected four-hour closing argument. He asked jurors to keep emotion out of their deliberations.

"All we ask is that you keep an open mind," said Kirk, who is expected to wrap up today. The jury is scheduled to begin deliberations on Wednesday.

"We do not minimize anything this family suffered," Kirk said, "Shed

the tears when it's time to do it, but put them aside when you make your decision."

On July 13, 1991, as the family's 1983 Oldsmobile Cutlass station wagon idled at a Virginia highway tollbooth, a trailer hitch broke loose from a Dodge pickup several lanes away, went careening under the station wagon and sliced open the bottom of the low-slung gasoline tank. Fuel leaked, ignited and instantly engulfed the car, killing McGee and a cousin, Nancy Hawthorne.

McGee's parents, Constance and Robert McGee, and his sister, Kelly, 11 were injured as well as another cousin, Jane Renze.

The McGees sued GM in 1992, saying the giant automaker close sales over safety in failing to make its gas tanks puncture-proof.

The reason, their attorney said, was to maximize profits. They claim the giant automaker installed puncture-prone funnel tanks on hundreds of thousands of cars because its own studies concluded that it was cheaper to risk a small percentage of deaths than to install gas-tank shields.

A GM loss in the closely watched trial could spawn more cases nationwide against the company, which is already fighting lawsuits over its sidesaddle gas tanks in pickup trucks.

"This accident was beyond the expectations of any occupant of that vehicle, but GM knew,," Schlesinger

said. “They didn’t know where or exactly who, but they knew as a statistic. That’s all the McGees were that day.”

GM says the fire was a freak accident, but internal documents GM was ordered to produce in the trial suggest otherwise: specifically a 1983 cost-benefit analysis conducted by GM engineer Edward Ivey. He calculated that the annual cost of fire fatalities to GM would be \$2.40 per car. The company could save money, he figured, by not adding the shields because it would cost GM \$4.50 per new model car to install.

GM attorneys have said that the report was not ordered by company executives nor used in its decision not to add the shields.

“They should not have put these cars on the road,” Schlesinger said. “Those tanks could hold up to 23 gallons of gas with the potential explosive force of 100 sticks of dynamite. If the family survives the accident, they shouldn’t have to burn up in a fire afterward.”

