

# *South Florida* **Sun-Sentinel**

## **Jury Hears About Shield**

### **GM Scrapped it, Engineer Says During Accident Trial**

By NOREEN MARCUS

HOLLYWOOD – The General Motors engineer who designed an Oldsmobile fuel tank punctured in a deadly 1991 accident testified on Wednesday he developed a shield to protect the tank, but it was scrapped.

Paul Mutty, who retired Jan. 1 after a 40-year career with GM, is a key witness for the defense in a Broward Circuit Court trial stemming from the 1991 death of Shane McGee, 13, in a car fire while on a family vacation trip.

His parents, Constance and Robert McGee of Pembroke Pines, sued GM, saying the giant automaker chose to maximize profits rather than take steps that could have prevented the fire in a 1983 Olds Cutlass stations wagon.

Mutty, now a paid consultant for GM, tried to distance himself from a possible linchpin piece of evidence for the McGees: a 1973 GM analysis that weighs safety costs against lives.

The McGees' lawyers displayed for jurors on Tuesday a 1998 Suburban GMC with a polyurethane shield around the gas tank. They say the technology existed to install the shields in the 1970's, when Mutty was designing Olds cars similar to the one in the McGee case.

On July 13, 1991, as the 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 two passengers and burning four others.

GM says the fire was a freak accident the most stringent safety standards could not prevent.

Mutty made the point on the stand Tuesday under cross-examination by Sheldon Schlesinger.

"This accident represents and extreme that I'll be the first to admit I had never thought of," he said.

He was concerned about the tank's vulnerability to ground hazards, Mutty acknowledged. That's why he designed a shield.

Why the shield design was scrapped clearly was the most uncomfortable area for Mutty, who went from volunteering information to providing terse responses to Schlesinger's questions.

Mutty said two things: The patent application was shelved for technical reasons. Also, "I became convinced that it couldn't be manufactured."

Internal documents GM was ordered to produce in the trial suggest another reason. One is a 1973 cost-benefit analysis conducted by another GM engineer, Edward Ivey. The analysis concludes it would save GM \$2.20 per new model car to prevent fuel-fed fires in all accidents.

The other is a 1981 interview with Ivey conducted by GM lawyer Don Howard. Howard reported that Ivey told him he did the cost-benefit analysis for GM management – probably for Mutty.

Ivey also said he thought the shield idea was dropped because it was too expensive, according to Howard's report.

Asked about those documents Wednesday, Mutty said he had no recollection of Ivey writing the analysis for him.

He questioned its premises and conclusions.

"I certainly don't think of this as a carefully thought-out cost-value analysis." Mutty said.

