

Family alleges GM withheld evidence in wrongful death case

Shannon Jones
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The attorney for a Georgia family whose daughter was killed in a crash linked to a defective ignition on her 2005 Chevrolet Cobalt is seeking to reopen the lawsuit relating to the case, saying General Motors withheld crucial evidence.

Brooke Melton, a 29-year-old pediatric nurse, died in March 2010 when the ignition suddenly shut down in her vehicle, causing her to lose control and veer into oncoming traffic. The impact caused Melton's car to travel off the highway into a creek, where she died of injuries.

"The Meltons would not have settled their case if they had known of the perjury and concealment of evidence," attorney Lance Cooper said in a statement. "It is now apparent that GM's plan was to resolve the Melton's claims before disclosing the Cobalt ignition switch design changes."

At least 13 deaths are tied to the defect in the 2005-2007 Cobalt and several other low-cost GM models, with the real number probably much higher. The ignition switch can be easily jarred out of the "run" position into "accessory" or "off" causing the engine to shut down and disabling power steering, power brakes and air bags.

Internal documents show both GM and federal regulators knew of the problem for years but did not issue a recall order or warn drivers of the danger. After receiving numerous customer complaints about the Cobalt ignition in 2005 GM engineers proposed a fix, but management rejected it. Instead GM issued a service bulletin to dealers advising customers to take extra items off their key chains. The fact that the defect finally became public was largely due to the Melton lawsuit.

Melton's death was originally attributed to driver error. However, the Melton's attorney discovered that

the black box in their daughter's car indicated that the engine had shut down. He also became aware of GM service bulletins to dealers pointing out how drivers could accidentally turn off the ignition in various GM models.

During discovery Cooper determined that GM knew of the ignition switch problem during the Cobalt's production stage but decided to sell the cars anyway. An investigator hired by Cooper found that the ignition switch design used in the car driven by Melton was different than the design of ignition switches in later models. What GM concealed was the fact that it quietly changed the design of the ignition switch, without issuing a new part number, an indication of a cover-up.

In their new suit the Melton family is charging GM with fraudulent concealment and perjury for hiding the change. This follows the release of a document showing that the Cobalt's lead design engineer, Ray DeGiorgio, quietly signed off on a change in the design of the ignition switch in April 2006 without issuing a new part number.

However, when GM reached an out of court settlement in September 2013 with the Melton family, it claimed it did not know who changed the ignition switch design or authorized the change. During an April 2013 deposition DeGiorgio told Cooper he had no knowledge of the design change to the Cobalt ignition switch.

At a press conference announcing the lawsuit Brooke's father, Ken Melton, said, "I'm hurt... they'd be so desperate not to disclose all the information. I feel like I've been lied to...This is our daughter's life we are talking about."

According to the new lawsuit, "GM's fraudulent concealment of the evidence from the Meltons, as well as Mr. DeGiorgio's repeated perjury, resulted in the

Meltons being misled about the true facts of the case and, thus, their settlement was based on incomplete false data that GM had withheld solely to induce them to settle their case.”

In February 2014 GM issued a recall order for 778,000 Chevrolet Cobalts with the ignition switch defect. Cooper then filed documents with the National Highway Traffic Safety Administration (NHTSA) advising that the recall should be expanded to other models as well. Subsequently GM recalled four more models, for a total of 2.6 million vehicles worldwide.

As part of the new lawsuit Cooper says he plans to re-interview every GM witness deposed in the initial case in addition to GM CEO Mary Barra. In a related case the Meltons are suing the dealership that sold Brooke Melton her Cobalt. The suit alleges that Melton raised concerns about the Cobalt’s engine shutting off while driving. However, the dealer failed to implement the GM bulletin to dealers addressing the problem.

For its part GM has denied any improper behavior in relationship to the Melton lawsuit and has refused to rescind its previous settlement in the case. The company is meanwhile seeking to shut down lawsuits over the defective ignition switches stemming from before its 2009 bankruptcy filing. As part of the bankruptcy settlement the Obama administration inserted a clause holding the reorganized company harmless relating to events occurring before the bankruptcy.

The Melton case is only one of many lawsuits over the defective GM ignition switches. There are currently some 300 outstanding claims relating to the issue. GM is attempting to induce crash victims to settle quickly out of court in order to limit its potential liability.

What is true about the death of Brooke Melton is true about the scores, perhaps hundreds of other needless deaths caused by GM’s concealment of the defective ignition switches. Not only should all the victims be fully compensated for their losses, but those in GM management and the government responsible for this cover-up should be held criminally accountable.



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