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Public Justice Brief Fights Preemption Claim in Vehicle Crash Case before Supreme Court

Fighting for access to justice, Public Justice has filed an amicus brief in *Williamson v. Mazda Motor of America, Inc.*, a U.S. Supreme Court case involving federal preemption of claims that a minivan was defective because its aisle seat lacked a lap/shoulder harness.

The United States government also filed an amicus brief in *Williamson* in support of the petitioners, arguing, like Public Justice, that the lower courts have misread *Geier* -- a similar case decided in 2000 -- and that the plaintiffs should be permitted to have their day in court.

Williamson seeks to hold Mazda accountable for the death of Thanh Williamson, killed in a head-on collision when her body "jackknifed" around a lap-only seatbelt installed in the aisle seat of her family's 1993 Mazda minivan. Although the vehicle's other occupants had lap/shoulder seatbelts and survived the crash, there was no lap/shoulder harness installed for Thanh's seat.

Thanh's parents filed a lawsuit in California state court against Mazda on state tort claims, including products liability and negligence. Their complaint alleged, in part, that Thanh's seat should have been equipped with a lap/shoulder belt to restrain her upper torso in a frontal collision.

Although lap/shoulder belts are universally understood to provide greater safety to car occupants, Mazda argued that the plaintiffs' claims are preempted by a Federal Motor Vehicle Safety Standard that gave Mazda the choice of installing either lap-only or lap/shoulder seatbelts in the rear-center seats of cars and in the aisle seats of minivans.

Both the trial court and the California Court of Appeals agreed, holding that, under a broad reading of *Geier v. American Honda Motor Co.*, Standard 208 -- the federal standard in question -- "preempts common law actions alleging [that] a manufacturer chose the wrong seat belt option...." In *Geier*, the U.S. Supreme Court held that a 1984 version of Standard 208 preempted a claim that a car maker should be held liable for failing to install an airbag.

The Public Justice brief urges the nation's highest court to reexamine its ruling in *Geier*, which has been misapplied by courts across the country, allowing federal preemption in a host of areas

that Congress never intended. The brief maintains that, to resolve the massive confusion caused by Geier, the Court should limit preemption to circumstances where Congress has explicitly said state law should be preempted, or where the state law claim would directly contradict a specific federal law mandate. In that way, the doctrine of preemption would be anchored to the U.S. Constitution and would preserve the important role that the tort system plays in promoting public safety and compensating victims.

Public Justice Budd-Kazan Fellow Matt Wessler, Senior Attorney Leslie Brueckner, and Executive Director Arthur Bryant authored the brief.

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Public Justice is America's public interest law firm, supported by – and calling on -- a nationwide network of more than 3,000 of the nation's top lawyers to pursue precedent-setting and socially significant litigation. It has a wide-ranging litigation docket in the areas of consumer rights, worker safety, civil rights and liberties, toxic torts, environmental protection, and access to the courts. Public Justice is the principal project of the Public Justice Foundation, a not-for-profit membership organization headquartered in Washington, DC, with a West Coast office in Oakland, California. The Public Justice web site address is www.publicjustice.net.