

# GM'S IGNITION SWITCH RECALLS

## The List Keeps Growing

By Diana L. Martin, Theodore J. Leopold & Leslie M. Kroeger

General Motors has recalled over 20 million vehicles in 2014—more vehicles than it sold last year. Astounding. Even more astounding is that many of these recalls should have occurred long ago, but GM failed to act on information that it was using a defective ignition switch component in many of its vehicles. According to independent safety regulators, that failure to act resulted in the deaths of at least 303 people who were involved in accidents as a result of the defective ignition switches. Given the ever-expanding number of recalls, it is expected that the scope of vehicles recalled will increase, as will the number of injuries and deaths related to GM's defective vehicles.

Of the myriad reasons GM has recalled vehicles this year, the most pervasive and concerning is the ignition switch defect. Vehicles with defective ignition switches are unsafe to drive because the part can spontaneously switch, or be inadvertently switched, into the “off” or “accessory” position during normal and expected vehicle operation, thereby immediately turning off the engine. When this ignition switch failure occurs, the motor engine and certain electrical components such as power-assisted steering and anti-lock brakes are turned off, thereby endangering the vehicle occupants and compromising the safety airbag system. Such a failure can occur at any time during vehicle operation, meaning the ignition can suddenly switch off while a vehicle is moving at 65mph on the freeway, leaving the driver unable to control the vehicle. The following vehicle models have been identified as being manufactured with the defective ignition switches and recalled:

To date, GM estimates that 263,531 vehicles with the defective ignition switches, out of the nearly 6 million recalled, have been repaired. Given GM's recent additions to this list, and the extent of GM's manufacturing problems, it is reasonable to view this list as non-exhaustive.

| YEAR      | MODEL                 |
|-----------|-----------------------|
| 2005-2009 | Buick Lacrosse        |
| 2006-2011 | Buick Lucerne         |
| 2004-2005 | Buick Regal LS & GS   |
| 2000-2005 | Cadillac Deville      |
| 2004-2011 | Cadillac DTS          |
| 2010-2014 | Chevrolet Camaro      |
| 2005-2010 | Chevrolet Cobalt      |
| 2006-2011 | Chevrolet HHR         |
| 2006-2014 | Chevrolet Impala      |
| 2006-2008 | Chevrolet Monte Carlo |
| 2007-2010 | Pontiac G5            |
| 2006-2010 | Pontiac Solstice      |
| 2005-2006 | Pontiac Pursuit       |
| 2003-2007 | Saturn Ion            |
| 2007-2010 | Saturn Sky            |

Despite knowing about the ignition switch defect for at least 10 years, GM continued not only to allow defective vehicles to remain on the roadways, putting consumers in danger, but it continued to manufacture vehicles with the defective ignition switches that reportedly could have been made safe for as little as 57 cents to one dollar per vehicle. Indeed, GM may have had knowledge about the ignition switch defect as early as 2001-2002, long before it manufactured most of the vehicles that have been recalled for this problem. In 2001, GM engineers indicated in an internal report that they learned during pre-production of the 2003 Saturn Ion that the ignition switch could unintentionally move from the “run” position to the “accessory” or “off” position. In early 2002, the component manufacturer of the ignition switch informed GM that the component did not meet GM’s design standards because the torque requirements that were intended to ensure that there was sufficient rotational force to keep the switch in the “run” position were insufficient.

Prior to putting the Chevy Cobalt on the market, GM engineers were again faced with the ignition switch defect after experiencing the problem first hand during test drives. But, GM was not willing to delay rolling out the Cobalt or willing to incur the cost of fixing the defect, and it put the unsafe product in the hands of the unknowing public. Consumers began experiencing problems with the Cobalt right away and complained to GM about sudden losses of engine power. GM’s engineers determined that the low torque in the ignition switch could cause the key to move from the “run” to the “accessory” or “off” position under ordinary driving conditions with normal key chains because the torque on the ignition switch was too low, allowing the key to be cycled to the “off” position inadvertently. They also determined the placement of the ignition cylinder was too low on the steering column, allowing the key to be inadvertently bumped by the knee of the driver. The engineers proposed a redesign to fix these problems, but GM decided against taking any action. In 2005, a GM employee notified the company that a 2006 Chevy Impala shut off while she was driving 45 miles per hour and hit a pot hole. She told her employer that she didn’t “like to imagine a customer driving with their kids in the back seat, on I-75 and hitting a pothole, in rush-hour traffic” and recommended GM redesign the ignition switch. GM also ignored this first-hand experience by one of its own.

GM hasn’t denied having prior knowledge of the ignition switch defect. To her credit, GM CEO Marry Barra testified in April 2014 before the House Committee on Energy and Commerce that GM’s failure to fix the defect was the result of a corporate culture focused on costs rather than safety and quality. Despite this admission, however, GM continues to fail to take full responsibility for putting these defective vehicles in the market. Instead of telling consumers not to drive these unsafe vehicles, thereby putting themselves and the public at risk, GM

is advising consumers to drive the vehicles with just the vehicle key on the key ring because it claims the ignition switch will slip out of place only if the key chain is too heavy. This claim is belied, however, by consumers who complain of experiencing engine shut off while driving despite having only a single key on the key ring.

Also, while GM announced that it has hired Kenneth Feinberg, the attorney that helped BP compensate people impacted by the Gulf of Mexico oil spill in 2010, to compensate families of accident victims, it has indicated that it will not be compensating the consumers that purchased its defective vehicles. In fact, in response to the many class action lawsuits that have been filed based on the diminution of the recalled vehicles’ value as a result of the ignition switch defect, GM has taken the position that it is protected from liability by its 2009 bankruptcy filing. That matter is currently being litigated, with plaintiffs’ lawyers arguing that GM’s knowledge of and failure to disclose the ignition switch defect during the bankruptcy proceedings precludes GM from relying on the bankruptcy to avoid liability for the economic damages caused by its defective products.

Remarkably, in spite of the evidence that GM has knowingly put the safety of its customers at risk by sending defective vehicles to market without spending the nominal amount necessary to make the vehicles safe, GM’s vehicle sales have not been hurt—in fact, they have improved. This may prove the old adage, “There is no such thing as bad publicity.” And, as is evident from the continuous roll-out of new recalls, the Congressional hearings, and the numerous lawsuits against GM, this story, and GM’s publicity, is far from over. █



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