

# **Written Testimony of Jeremy K. Warriner**

## **Victim of a defective pre-bankruptcy Chrysler vehicle**

**Wednesday, July 22, 2009**

## **Ramifications of Auto Industry Bankruptcies, Part III**

As you read this testimony please think of your friends, family, loved ones, constituents, and yourselves. The auto industry bankruptcies have created safety issues that threaten all of us. I do not want what happened to me to happen to anyone else. Congress has the opportunity to fix these issues and protect the safety of every American Citizen.

In October of 2005 I was in a car accident. The damage left me trapped, pinned between the dash and the seat, and suspended in my 2005 Jeep Wrangler Unlimited, which had rolled onto its passenger side. I had several severe injuries, all of which would have healed. Then a fire ignited in the engine that burned through the firewall into the passenger compartment. Somehow, I was rescued, but when you look at the wreckage (pictured at the end of this statement), the fact that I'm alive is unbelievable.

Five and a half weeks later I awoke from a medically induced coma to learn that my legs had been amputated from above each knee. My lower legs had sustained fourth degree burns, the burns caused my body to become deathly ill from infection, my lungs had failed, and my kidneys had failed. The only chance the doctors had to save my life was to amputate my legs and that wasn't a guarantee. My parents had to make that decision without being able to speak to me. My four year old niece, who didn't know what was happening, became selectively mute from the overwhelming sadness she felt around her.

I have endured over 38 surgeries throughout the past three years. I lost my career in the hospitality industry, a field in which I have a degree, as a direct result of the loss of my legs. My medical bills total over two million dollars. My prosthetics, which the insurance company initially denied as "not medically necessary", cost approximately \$60,000 per leg. I am currently on COBRA and will soon be on Medicare. I have not been able to find appropriate employment. The few jobs that I have been able to find do not pay enough for me to keep my house on a single income. As a result, I now rely on Social Security Disability to survive, and that barely covers my living expenses.

At my request, my attorney's hired expert engineers to examine the wreckage of my vehicle. They determined that the fire was caused by highly flammable brake fluid. The plastic reservoir that held the brake fluid shattered during the accident and leaked all of the brake fluid into the hot engine. I believe this happened because of an unsafe defective design due to the fact that the reservoir was not protected from impact, and Chrysler had used a safer metal reservoir in prior Jeep Wrangler models. In July of 2006 I filed a lawsuit against Chrysler. In November of 2008 Chrysler used its financial instability at the time to delay the court ordered mediation until May 5<sup>th</sup>, and then declared bankruptcy on April 30<sup>th</sup>.

Through the bankruptcy process Chrysler was relieved of responsibility for approximately 300 pending product liability claims, including my own, and any future claims resulting from potential vehicle defects in any of the approximately 10 million pre-bankruptcy vehicles on the road today. GM was relieved of responsibility for approximately 1000 pending product liability claims as well as any injuries or deaths caused by defective GM vehicles before or during the bankruptcy process that have not been filed. Each of the approximately 1300 pending claims against these auto manufacturers represent potential defects that could lead to immediate safety recalls. If these cases are not heard in court these defects will not get tracked by the National Highway Traffic Safety Administration, Chrysler and GM will not admit these defects exist, recalls will not be issued, and more injuries and deaths will occur. Ignoring the pending claims and the safety data from over 10 million pre-bankruptcy Chrysler vehicles will lead to tens of thousands of needless disabling injuries and deaths.

I am including with my testimony a study by Safety Research Strategies, Inc that clearly shows the risk to the American people caused by preventing product liability claims from being heard. This study was done at a time when GM intended to follow in Chrysler's footsteps by using the bankruptcy process to avoid future claims for injuries and deaths. Even though GM has accepted responsibility for future

injuries and deaths caused by their pre-bankruptcy vehicles, until Chrysler accepts the same responsibility, and the pending claims have been heard, the risk remains. Not all Chrysler and GM vehicles are defective, but we all know that dangerous defects do exist. They can and will cause disabling injuries and deaths, which will only lead to more people who rely on Social Security Disability, Medicare, and other government funded assistance programs.

We have a Constitutional 7<sup>th</sup> Amendment right to have our cases heard in court. If Chrysler and GM will not accept responsibility for these defects and the injuries they have caused, then a jury must weigh each case and make that decision for them. Yet, in an effort to stabilize these companies, our tax dollars have been used in a manner that prevents injured tax payers from exercising that right. In the case of Chrysler consumers, that right has been taken away from any tax payer who is injured by a pre-bankruptcy vehicle in the future as well. The fact that we are stabilizing these companies with our tax dollars should require them to have more responsibility to the tax payers, not less. If our laws allow that, then the laws must be changed and new ones must be written.

Legislation must be passed that holds Chrysler to the same level of accountability that every other automobile manufacturer in the country has. The “new Chrysler” must have successor liability for future injuries and deaths caused by defects in the pre-bankruptcy vehicles. This was done in the case of GM and must also be done for Chrysler, because the alternative creates a danger to the American People.

The pending cases of the current victims of Chrysler and GM must also be heard. They represent dozens of dangerous defects that need to be tracked by the NHTSA to determine if and when recalls need to be issued, which will make our roads, and future vehicles, safer. Settlements in these cases would provide immediate financial relief to the government by allowing many of these victims to once again become functional tax paying members of society. Many victims would be able to stop relying on Social Security Disability, Medicare, Medicaid, and other government funded assistance programs to survive.

Congressman Andre Carson, of Indiana, has introduced H.R. 3088, the Jeremy Warriner Consumer Protection Act, to the US House of Representatives. While it is an honor to have my name attached to this bill please remember that I am but one of hundreds, if not thousands, of people who have been injured by Chrysler and GM. (I have included a few of their stories at the end of this statement.) H.R. 3088, when signed into law, will require Chrysler and GM to purchase liability insurance to cover current and future claims for injuries and deaths. This holds Chrysler to the same accountability that every other auto manufacturer has and it allows the pending claims against both Chrysler and GM to be heard.

If H.R. 3088 is not passed then a Congressional relief fund must be established for the current victims of these companies. Our government has used our tax dollars to invest in Chrysler and GM. If our government will not hold Chrysler and GM accountable for injuries and deaths caused by their pre-bankruptcy products, then our government must accept those liabilities as their own. Just as they have invested in these American companies, they must invest in the American people who have been injured by these companies.

At the end of the day the sanctity of human life, our safety, and the safety of our loved ones must come before anything else. There is not a single person who wouldn't drop what they were doing and rush to the hospital if they learned that their loved one had been severely injured. There is not a single person

who wouldn't hold the vehicle manufacturer accountable if you learned that their product caused your injuries, or the death of a loved one. Allowing Chrysler and GM this immunity takes away our right to face them in court, and we have bought that immunity for them with our tax dollars. This is a mistake that needs to be fixed.

I don't care about who was responsible for the mistake, I care about who is going to take responsibility for fixing it. Congressman Carson took the crucial first step by introducing H.R. 3088. I believe in our President, his Administration, and the Members of Congress. I trust all of the members of this Committee to understand that this is not an issue for political debate. A defective vehicle does not care whether you are Democrat or Republican, if you are a member of the UAW, if you work for Chrysler or GM, or where your money comes from. I trust our Government to treat this issue with the same sense of urgency that has been given to the Chrysler and GM bankruptcies. I trust the members of Congress and our President to either support H.R. 3088, or an alternative solution, because doing nothing dramatically increases the risk that they, their loved ones, and their constituents will be severely injured or killed by a defective vehicle.

After you've experienced something like I have you learn that the theory of "it won't happen to me" doesn't really protect you or those you love. You also learn to see what can't be changed, and what can. I can never regain my legs and the subsequent loss that has come from that, but we can regain our right to hold Chrysler and GM accountable in court for the injuries and deaths caused by all of their products. It is time for Congress to take action to restore that right and ensure our safety. This is a tremendous opportunity for the Members of Congress, and our President. By taking action to right this wrong our Government can clearly prove that it is still a Government for the People.



### **Victims Cases 'Wiped Out' Due To General Motors and Chrysler Bankruptcies**



**Lyle Austin (age 19)**  
**Dorothy Austin (mother) John Paul Austin (father)**  
**Bridgeton, NJ**

**Lyle was severely injured when the van in which he and his family were riding was hit; his defective seat moved upon impact**

On Columbus Day in 2007, Lyle Austin was headed to spend the day at the beach with his family in a 1996 Dodge Ram Van. An SUV traveling in the opposite direction swerved across the midline. Though his father tried to swerve, the vehicle hit the left passenger side of the car, where Lyle was seated. “It sounded like a bomb,” said Lyle’s mother Dorothy. Though she, her husband, and their second son were not injured, the Lyle’s defective seat moved upon impact and as a result he was paralyzed from the waist down.

“Lyle also ruptured his intestine and fractured his hip, but the doctors weren’t going to operate on that because they thought he would never walk again,” Dorothy said. She moved to Philadelphia with Lyle, who is autistic, to advocate on his behalf while he underwent rehabilitation. After 7 months away from the other half of the family, Lyle has regained some feeling in his arms and legs and can now use a walker for short distances, though his still relies primarily on a wheelchair. Dorothy clarified, “the hospital bills were \$15,000, which is actually pretty moderate, but the real cost has been emotional.” The family has filed a lawsuit.



**Ralph Binder (deceased)  
Joy Wolf (widow) and two sons  
Los Angeles, CA**

**Ralph Binder, Emmy-winning ABC News cameraman, was killed when the roof of his GM Suburban caved in during an accident.**

Ralph Binder, a loving father to two young boys, was a news cameraman who worked almost exclusively for ABC News. Over the years, he covered everything from the President and the White House to California Wildfires. A three time Emmy award winner, Ralph was an integral part of major network news coverage for the last 30 years.

On December 6, 2007, Ralph, driving with soundman Daniel Johnson, were on their way to cover a story in Nebraska, when his GM Chevy Suburban swerved on an icy road. The car rolled 1 1/2 times. By the time it came to a stop, the roof had crushed in on the drivers' side, killing Ralph, in what should have been a benign crash. At the time the 1998 Suburban was built, other roof designs were readily and inexpensively available that would have saved Ralph's life.

Ralph was married to Joy Wolf, a renowned photojournalist, ABC News freelance producer and writer. To try to cover Ralph's love, guidance and all the things he did for and with his two young sons, and their devastating loss, would take pages and pages of details.



**Callan Campbell (age 23)  
Williamstown, PA**

**The GMC Jimmy's weak roof collapsed during an accident that left Callan a quadriplegic**

On August 17, 2004, 18-year-old Callan Campbell was a front-seat passenger in a 1996 GMC Jimmy operated by her friend who lost control of the vehicle. The vehicle entered into a low speed roll, rolled 1.5 times, and ended on its roof. Callan should have walked away from this accident. Instead, the collapsing roof caused her spine to partially dislocate and she became a C6 incomplete quadriplegic. She had just graduated from high school with awards in June 2004, and was one week away from starting college.

Today Callan cannot walk, does not have bowel or bladder control, and does not have full use of her arms and hands. All of Callan's injuries are the result of the known weak roof of the GMC Jimmy, a vehicle with a high propensity to roll.

Callan's medical bills for treatment immediately following the crash total about \$200,000. In addition, Callan's parents made \$160,000 of renovations to their home to accommodate Callan's new physical and medical needs. Callan has lost her independence, her mobility, much of her dignity, and her ability to pursue her dreams. She has fought through years of therapy and multiple surgeries to regain what she can, but her life has been forever changed. Callan's parents are obviously concerned about what will happen to their daughter when they can no longer take care of her. Callan's needs cannot be met unless GM is held accountable for its decision to put a weak roof on a heavy, unstable Jimmy.



**Linda Catalano (deceased)  
Brian and Christina (children, Christina is active UAW member)  
Detroit, MI**

**Linda Catalano was killed when her Chrysler min-van “self-shifted” into reverse, dragging her under the car.**

On the evening of August 3, 2008, then 55-year-old mother and grandmother, Linda Catalano, had completed a garage sale and had left her home several blocks away to collect the remaining sale signs along the road. She evidently stopped the vehicle along the roadway to pick up a sign.

Ms. Catalano then placed her vehicle into what she must have believed to be “park” and opened the door and stepped out of the Chrysler Mini-Van to pick up her signs, with the engine running and the driver’s side door open. The vehicle then “self-shifted” into reverse, knocking Ms. Catalano to the ground and dragging her underneath the left front tire, where it pinned her. She was killed. Ms. Catalano left behind three children - Brian, Christina, and Bradley - and grandchildren, who adored her and miss her to this day. The family has filed a lawsuit against Chrysler.





**Terry Cole  
Sikeston, MO**

**Terry Cole, who had lived successfully for 35 years in a wheelchair, was severely burned by a defective seat heater because he does not have normal sensation in the lower half of his body.**

Terry Cole, a businessman from Sikeston, Missouri, had a very successful life despite being confined to a wheelchair for the last 35 years. He took great care of his skin so that remarkably he had never suffered from any the skin problems as many wheelchair-bound individuals do. In November 2007, he took a 45-minute trip in his brand new GM

Cadillac Escalade. He was using a seat heater. Terry does not have normal sensation in the lower half of his body and was unable to feel that the seat had heated to 150 degrees during the trip, severely burning him with third degree burns.

The burns laid up Terry for 90 days and left him with permanent skin problems. He is far less mobile than he previously had been. Before the incident he was receiving experimental stem cell treatments in China and was making remarkable progress, to the point he was even able to stand with assistance. Yet all of that progress was lost after he experienced the burns. He is now unable to travel long distances. His business and his social life have suffered greatly. Terry continues to be a loyal GM customer – buying

GM vehicles for his business, but said, “GM should pay for what they have done to me and shouldn’t get to squirm out through bankruptcy.” Terry has filed a lawsuit against GM.



**Amanda Dinnigan (age 10)**  
**Robert Dinnigan (father)**  
**Smithtown, NY**

**As an 8-year-old, Amanda Dinnigan spinal cord was dislocated during an accident due to a faulty seat belt; she is paralyzed from the chin down.**

On February 21, 2007, Amanda's mother was driving her and three cousins near their home in their 2003 GMC Envoy. Amanda, then 8, was strapped into the vehicle's third-row seats. Her mother had an accident and hit a tree. The seatbelt and shoulder restraint, designed for an adult which came across the necks of the children, dislocated Amanda's spinal cord. Her young cousin who was seated next to her broke her neck. Her cousin recovered from surgery, but Amanda is paralyzed from the chin down. She has no feeling and can hardly move her head. She cannot breathe on her own and is dependent on a ventilator. She requires 24-hour nursing care. Next year, Amanda's parents would like her to go to a school that fits her needs, but it is 45 minutes away from their home. They are not sure they will uproot their family.

The family spent \$100,000 to build a "mini ICU" in their house with two ventilators and a hospital bed with a lift. Medical bills are going on \$500,000 each year and will continue every year for the rest of her life. Robert's union insurance as an ironworker will cap out soon at \$1 million. Her lawsuit has been filed in Suffolk County, Long Island.



**Shaun Nicolas Doss (age 8)  
Gilbert, AZ**

**As a 6-year-old, Shaun Nicolas Doss became severely injured and is now paraplegic when his seatbelt failed during an accident.**

On May 15, 2007, 6-year-old Shaun Doss was riding in the third-row passenger seat of his family's Dodge Durango, along with his father Robert and three siblings, when another vehicle ran a red light, "T-boning" the Doss's Durango at the driver's side rear wheel. Because the seatbelts in the Doss's Durango had not been properly affixed to the vehicle's frame, they did not function properly upon impact. As a result, Shaun suffered internal bleeding from the spleen, appendix, and intestines—and was ultimately rendered a T4 paraplegic. Shaun spent three months in the hospital, incurring medical bills in excess of \$1 million. Although Shaun remains as active as he can and is trying to resume a career as a child model, he will be confined to a wheelchair for the rest of his life.

Robert Doss, a single father and army veteran, says trying to keep up with the medical expenses incurred from the accident has been impossible. Caring for Shaun has ultimately cost him his job, house, and car. "An experience like this really opens your eyes," said Robert. "You respect life a lot more when you endure something like this."

The emotional toll on the family has been devastating as well. Shaun has been utterly "distracted" and prone to terrible "mood swings" as a result of the trauma he suffered. And as Robert said, "I'm not a crying person, but I cried every day of the three months I spent at Shaun's side in the hospital." Robert currently has a lawsuit pending against Chrysler.

**Kissan Howard (age 15)**  
**Renee Howard (Mother)**  
**Wildwood, NJ**

**As a 2-year-old, Kissan Howard's neck was broken during an accident when she slipped out of her seatbelt; she needs round the clock care.**

In 1996, Renee, her husband, and then two year-old Kissan, riding in their Jeep Grand Cherokee, were hit head on. Kissan had been in the rear middle seat wearing a lap belt. When the collision occurred, her upper body jackknifed forward causing a complete C2 fracture. She could not breathe on her own. Renee's husband, who was a registered nurse at the time, breathed for Kissan until help arrived. As a result she did not suffer from any brain damage. She was in the hospital for two months and on a ventilator for four years. She was put into a halo – a steel cage that screwed into her head and still has the marks on her head today. She is paralyzed, close to a quadriplegic.

Renee stopped working for years, but now she is able to work again as Kissan is in school and a straight-A student. Before the accident, Kissan could walk and talk and could go to the bathroom on her own. However, now she still needs around-the clock care, gets oxygen throughout the night and she cannot use the bathroom on her own. They have no state-paid nursing care and take care of her entirely on their own. They have filed a lawsuit.

**Mark Jones (deceased)**  
**Kimberly Jones (widow)**

**Well-known gasoline tank defect in the Chevrolet Tracker allowed gas to leak from a low-speed collision igniting a fire that killed Mark Jones**

On October 26, 2006, retired US Navy submarine chief Mark Jones and his son Zach were rear-ended outside of the National Guard Armory in Salisbury, Maryland in their 1995 Chevrolet Tracker. Neither Mark nor Zach Jones suffered serious injuries from the impact forces in the crash, which was recorded by the other vehicle's SDM (black box) as only an 18 mph impact.

However during the accident, the fuel tank behind the rear axel was punctured and leaked fuel – a known defect that caused recalls in later models. The gasoline ignited and engulfed Mark Jones in flames causing thermal burns to his body until the fire hose extinguished the flames. Mark continued to suffer until he succumbed to these horrific injuries four days later. He is survived by his wife Kimberly Jones and his two children Amanda and Zachary Jones. The case brought by his family was in mediation in Maryland.



**Jeremy Warriner  
Indianapolis, IN**

**Jeremy Warriner's Jeep Wrangler was hit and during the accident, the cheap plastic brake fluid container broke apart, causing a fire and burning his legs so badly that both legs had to be amputated.**

On October 22, 2005, Jeremy Warriner was driving home from work in his 2005 Jeep Wrangler when a 16-year-old driver drove through a stop sign and struck his vehicle. The Jeep slid off the road and hit a pole. That impact caused the cheap plastic brake fluid container to break apart. A fire ensued. Jeremy was rescued from his Jeep but only after he had suffered 3rd and 4th degree burns to his legs. When he awoke from a medically induced coma nearly two months later, he found that both legs had been amputated.

Jeremy suffered for over a year in and out of hospitals and has had 38 surgeries since the accident. His medical bills are over \$2 million. His insurance has almost maxed out. He had been working in the hotel/hospitality industry and it took him a year and a half to get back to work. But then, his position was eliminated. He will probably have to go back to school to get trained in something else. He is single and in his 30s, but very much wants to start a family someday. This is not the life he had planned. He has sued Chrysler and his case was scheduled for mediation on May 5th, but it was canceled due to Chrysler filing for bankruptcy on April 30th.



**Kimberly Young**  
**Dionne Sales (cousin and attorney) Rose Young (mother and caretaker)**  
**Oakland, CA**

**Kimberly Young's neck was broken, rendering her quadriplegic, when the roof of her Jeep Grand Cherokee caved in during an accident.**

On August 29, 2008, 44-year-old Kimberly Young was driving her mother's 2004 Jeep Grand Cherokee with her daughter, Keyona Chester, when the vehicle was involved in an accident and rolled over. Her neck was broken when the roof caved in, rendering her quadriplegic. Her daughter was practically unscathed.

Before the accident, Kimberly was very active socially and with her daughters. Months prior to the incident, she received a promotion from Accounting Technician to Accountant I with the State of California. As a result of the incident, Kimberly has not returned to her position with the state. She has lost her home to foreclosure, and her 16-year old daughter has temporarily moved in with her father. Kimberly is unable to bathe, wash her face, or brush her teeth without assistance of a caregiver. Kimberly's mother, Rose, has moved Kimberly in with her and cares for her before and after work. Rose's home has been modified with wheelchair accessible ramps. Her 24-hour care is being supplied by family members while Rose is at work. Kimberly remains in constant pain, and her hands are constantly in splints in an attempt to relieve the pain.

Since Kimberly lacks a wheel-chair accessible van, she relies on Paratransit to get to and from any appointments, which is not always reliable. Kimberly also has acquired a number of phobias related to going out in public, being in crowds, and sleeping. She is unable to participate in physical therapy, because she is 100% responsible for the cost, but she cannot currently afford it.