

**KLEIN THOMAS & LEE SECURES DEFENSE VERDICT FOR NISSAN IN
ROLLOVER CASE AFTER FIVE WEEK TRIAL**

Las Vegas, NV

May 16, 2022

Singh, et al. v. Nissan North America, Inc., et al.

After a five-week trial and a half day of deliberation, a civil jury in Las Vegas returned a defense verdict for Nissan North America, Inc. and Nissan Motor Co., LTD in a \$ 250 million products liability case involving a rollover of a 2004 Nissan Xterra. Nirbahi Singh, et. al. v. Nissan North America, Inc., et. al., Eighth District Court of Nevada, Clark County, Case No. A-17-751024-C, the Honorable David Jones.

The lawsuit arose from a multi-vehicle crash on California Highway 99 near Modesto, California on February 16, 2015. The driver of a 2013 Hyundai Elantra steered into a 2014 Nissan Versa which then collided into the subject 2004 Nissan Xterra causing it to rollover. The Xterra's two rear passengers were ejected resulting in one immediate fatality and the other surviving for almost 3 years, incurring over \$9 million in medical bills, before succumbing to his injuries. The front passenger also died due to cervical injuries. The driver, who was properly restrained, received a wrist fracture.

Plaintiffs alleged that the 2004 Xterra was unstable because of its geometry, and should have been equipped with electronic stability control ("ESC") as standard equipment rather than as an optional feature in that it would have kept the vehicle upright when it experience excessive yaw upon impact. Plaintiffs also alleged that the seat belts were susceptible to inadvertent unlatching.

Nissan offered evidence that the Xterra was stable, and the rollover was caused by the extreme forces involved with the multi-vehicle collision, and that ESC would not have prevented the Xterra's rollover, or any vehicle in that similarly situated location. Nissan also presented forensic evidence that the rear seat occupants were not wearing their seat belts, and that the front passenger was not wearing his seat belt properly.

Plaintiffs called the following experts: Steve Irwin (accident reconstruction), Mark Arndt (stability), Murat Okcuglu (lack of ESC), Larry Sicher (seat belts), Mariusz Ziejewski (biomechanics), Judy Melinek (forensic pathologist), Tricia West (medical bills), and Robert Johnson (economist).

Nissan called Nick Durisek (accident reconstruction and ESC), Don Tandy (stability), Mike Klima (seat belts), Mike Scott (biomechanics), Sridhar Natarajan (forensic pathologist), and Marilyn Pacheco (medical bills).

Plaintiffs were represented by Bill Robins and Jake Cohen of Robins Cloud, LLP in Santa Monica, California, Mohinder Mann and Gary Mann of The Mann Law Firm of San Jose, California, and Christian M. Morris of Nettles Morris Law Firm in Henderson, Nevada.

Nissan was represented by Thomas M. Klein and Paul R. Lee along with paralegal Caitlin Caldwell of Klein Thomas & Lee in Phoenix, Arizona and Kurt R. Bonds of Alverson Taylor & Sanders in Las Vegas, Nevada.

CASE RESULTS DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. CASE RESULTS DO NOT GUARANTEE OR PREDICT A SIMILAR RESULT IN ANY FUTURE CASE.