

# Fla. Jury Awards No Damages In Chrysler Headrest Trial

By **David Minsky**

Law360, Fort Lauderdale, Fla. (January 30, 2024, 5:55 PM EST) -- A Florida federal jury on Tuesday decided that the Chrysler carmaker doesn't have to pay damages to consumers in the state who sued over alleged faulty automatic head restraints that inadvertently deployed while people were driving, but said the company violated the state's unfair trade practices law.

The seven-member jury delivered its verdict after hours of deliberations, which followed a roughly two-week trial in Fort Lauderdale federal court. While no damages were awarded, jurors found that Fiat Chrysler Automobiles violated Florida's Deceptive and Unfair Trade Practices Act.

A class of more than 70,000 Dodge, Jeep and Chrysler drivers in Florida were seeking more than \$56 million in damages to pay to replace the automatic head restraints.

The plaintiffs claimed that the automatic head restraints were held in place by a cheap plastic pin that degraded over time and caused them to deploy prematurely in 11 vehicle models. Vehicles include several new and used Dodge, Jeep and Chrysler SUVs and vans that were purchased or leased between 2010 and 2018 in Florida.

The drivers said they overpaid between \$800 and \$1,100 for each vehicle due to the automatic head restraints.

Peter Prieto of Podhurst Orseck PA, representing the drivers, said at the beginning of the trial that FCA approved the automatic head restraints components and that supplier Grammer Industries knew about the problems right after production in 2010, adding that the companies were in communication over the issue.

FCA had extended the warranties on the vehicles for up to 10 years, but Prieto said that wasn't good enough because the drivers had to wait until the automatic head restraints deployed prematurely in order to get them replaced. Prieto said during opening statements earlier this month that reports came in from consumers claiming that the automatic head restraints "exploded" on them while driving.

Specifically, the plaintiffs alleged that the hard plastic pin holding the automatic head restraints failed because it broke down over time due to incompatible chemicals in their coating and because of constant pressure, leading to what they called "environmental distress cracking," according to Prieto.

Fred Fresard of Klein Thomas Lee & Fresard, representing FCA, said during opening statements the claims were exaggerated and that the premature deployment was more like a "click forward" than an explosion.

He added that the automatic head restraint device is designed to constrain the head and prevent whiplash injuries following rear-end collisions. The AHR was developed in the late 2000s, and hundreds of "extensive" safety tests were performed to ensure it worked properly.

Representatives for both the drivers and the defendants declined to comment Tuesday.

Last year, FCA beat a similar case in Boston, where a federal jury found that the carmaker was unfair to drivers who bought vehicles with the faulty headrests, but said it didn't owe a \$122 million award

the plaintiffs were seeking, court records show.

The drivers are represented by Peter Prieto, Matthew Weinshall, John Gravante III and Dayron Silverio of Podhurst Orseck PA, Benjamin Widlanski, Rachel Sullivan, Robert J. Neary and Gail McQuilkin of Kozyak Tropin & Throckmorton LLP, George Franjola of the Law Office of George Franjola, and Michael Burger of Santiago Burger LLP.

FCA is represented by Fred J. Fresard and Ian K. Edwards of Klein Thomas Lee & Fresard, Scott M. Sarason and Michael R. Holt of Rumberger Kirk & Caldwell PA.

The case is Nuwer et al. v. FCA US LLC, case number 0:20-cv-60432, in the U.S. District Court for the Southern District of Florida.

--Editing by Adam LoBelia.