

Anoka County / Injured boy sues parents, wins

Their auto insurer must pay, high court rules in car seat case

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A boy seriously injured in a car accident can sue his parents for improperly installing and maintaining his car seat, the Minnesota Supreme Court ruled Thursday.

Teddy Harrison was 3 years old when he was ejected from a safety seat and flew from his mother's sport utility vehicle during a crash. He suffered a serious brain injury that left him permanently disabled.

The boy, now 9, initially sued car seat manufacturer Century Products Co. The lawsuit contended the seat was defective because even with a coin lodged in the buckle, it clicked as though it was locked.

In turn, Century Products argued Teddy's Anoka County parents were partially to blame for failing to properly install and maintain the seat.

Teddy reached a confidential settlement with the car seat maker and then turned around and sued his parents - with their support - in an effort to collect from the family's auto insurance.

The ruling in favor of Teddy forces the family's auto insurance company to pay \$100,000. Progressive, the insurer, agreed to pay the claim if the Supreme Court ruled in Teddy's favor.

Teddy's attorney, Robert King, said that money will help pay for the disabled boy's care.

"Teddy is doing remarkably well given the enormity of his injuries," King said. "He has a motorized wheelchair that he can operate with a head control. He is a lovely, remarkable boy with a dramatic injury. ... He needs 24-hour care, but he always has a big smile on his face. He's a happy, cheerful boy."

Progressive stated in a media release it was disappointed in the ruling but would pay.

King said this unusual suit isn't about blaming a pair of loving and conscientious parents - it's about forcing an insurance company to do the right thing.

Teddy was injured in the April 2001 car wreck when an uninsured Corvette driver broadsided his mother's SUV. Progressive initially refused to pay Teddy's claim.

Attorneys for the insurance company had argued that a 1963 law called the "gag rule" barred evidence in personal-injury cases about the use or lack of use of seat belts and child restraint seats.

Lawmakers at the time didn't want at-fault drivers to shift the blame to victim drivers and passengers by raising questions about seat belt and car seat use in personal-injury lawsuits. No evidence about the car seat would mean Teddy had no case.

In 1999, lawmakers made an exception for a "defectively designed, manufactured, installed or operating seat belt or car seat." The law change was a reaction to a 1995 crash in which a woman sued the car maker for a defective seat belt and door frame design, but had her case thrown out under the 1963 gag rule.

Teddy's attorneys argue the exception carved out for car seat installation means Teddy can sue his parents, who "installed" the car seat, and collect from his parents' insurer.

Progressive's attorney countered that the exception to the "gag rule" is strictly to allow suits against manufacturers, not to open the door for suits against parents and caregivers who strap kids in.

The company's attorney argued it could create a glut of claims in which young children try to collect from their parents' insurance. The Minnesota Safety Council estimates more than 80 percent of child car seats used in Minnesota are not properly installed.

A ruling for Teddy could have even more of a ripple effect, the insurer argued. Even in accidents in which the motorist with a child passenger is not at fault, the other driver could try to skirt financial responsibility by pointing to a parent's negligent car seat use, the company contended.

But in its 6-1 ruling, the Supreme Court ruled that the law is "clear and unambiguous" in permitting a "child to bring an action against his parent for negligent installation of a child passenger restraint system."

King said the court made clear that Teddy's victory won't create a rash of suits.

"It does not open the floodgates," King said. "It's narrowly tailored to fit the facts of this case."

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