

# Gorski Consulting Website

## Archived News - 2014 - June

**June 24, 2014**

### **One Plaintiff Lawyer Causes NHTSA and Auto Manufacturers Scrambling For Cover**

A vast number of new vehicle recalls are suddenly being announced by various manufacturers. While General Motors is the most obvious in that group, many other manufacturers are suddenly recalling millions of vehicles. The official explanation: manufacturers are increasingly sharing their vehicle platforms between them such that, when a certain part is found to be defective, the number of recalled vehicles becomes much larger. That however is not what we believe.

A single plaintiff lawyer was able to uncover the General Motors ignition switch problem. This was apparently through court procedures during which persons have a greater difficulty preventing damaging information from being released. NHTSA was apparently unable to uncover the problem. General Motors was also apparently unable to uncover the problem. Even though both agencies have huge resources and are supposed to be protecting the driving public. It was a single plaintiff lawyer who had the miraculous fortune of exposing the defect. And we are to believe that this action was very much a win at a lottery rather than revealing how NHTSA and the manufactured have functioned.

We believe that, if upcoming trials involving the ignition switch are covered by the news media, evidence will come forth revealing the inappropriate actions of both the NHTSA and the manufacturers. Thus, the recent turn around by General Motors to suddenly start massive recalls is not due to The Grinch developing a much larger heart. It is because General Motors and NHTSA already know what kind of information is likely to be exposed during the upcoming trials and it will not be pretty. And other manufacturers know it too.

The problem is that there were too many hands in the cookie jar and, when it was time to run, the crowded space made it difficult to get all the little hands out in time. We envisage a scene where a lot of these children are running together because all their little hands are still in the jar and it would take a lot of squirming to get everyone separated and running in their own directions.

But then we could simply be wrong. After all, it is just our unsubstantiated belief.

**June 14, 2014**

### **Motorcycle Gathering In Port Dover Ontario Is An Opportunity to Study Motorcyclist Actions & Relationship With Other Traffic**



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Motorcyclist behavior is an important accident reconstruction issue that requires documentation in a natural setting if it is to be useful in determining fault and liability.

Every Friday the 13th a vast number of motorcyclists travel to Port Dover, Ontario to meet and socialize. When this date occurs in colder months the number of motorcyclists

dwindles, as can be appreciated if one ever visits the north shore of Lake Erie on a cold and/or windy day. However, yesterday, June 13th, fell in a warmer season and the number of motorcyclist visitors was extremely large.

As Gorski Consulting is involved in a variety of accident reconstructions, some involving motorcycles, this gathering was a good opportunity to mount a number of video cameras on our vehicle and travel to the area. In normal circumstances the likelihood that the actions of a motorcycle could be documented while travelling in normal traffic is limited as there are few motorcycles compared to the population of other vehicles. However, when travelling to Port Dover one can experience a much more concentrated number and this allows for data to be collected in a much more efficient process.

While evaluation of driver behaviour can be performed in an experiment under controlled conditions, there is no substitute to capturing that behaviour in a natural environment where there is less chance of the actions becoming a "performance" because the rider/driver develops some previous information what results are expected. The determination of rider/driver fault or liability cannot be based on the ideal or perfect being but instead, must be compared to the faults that exist in the actions of an average, typical individual.

**June 5, 2014**

### **To What Degree Was NHTSA Also "Asleep At The (Ignition) Switch"?**

The "deeply troubling" results of the internal investigation by General Motors into its own handling of their ignition switch defect has now been well publicized. Finally, CEO Mary Barra has completed her "brutally tough" investigation and reported her company's findings. However that is not the full story.

What did the National Highway Traffic Safety Administration (NHTSA) do to uncover the deceptive actions of GM? More importantly, did NHTSA have enough resources to uncover such problems? What staffing levels have there been at NHTSA in the last 10 to 20 years and did a reduction in field, investigative, staff lead to a reduction in NHTSA's investigative abilities? What lies beneath this tip of the iceberg? What is the likelihood that these questions will ever reach the public with definitive answers?

It was a great triumph in 1966 when NHTSA was born and many great successes have followed resulting in a tremendous turn around in the fatality and injury statistics in North America. Within 8 years of the birth of NHTSA (about 1974) fatality numbers started falling and have continued to do so essentially up to the present day. However, litigation has a way of making many people dishonest, whether plaintiff or defense, whether auto manufacturer or government representative. Until we are willing to admit that the problem exists there is no way of finding a permanent solution.

**June 4, 2014**

### **Woman Killed On Oxford Street West of Sanatorium Road in London**

It is being reported that a woman was killed this morning, June 4th, 2014 when her Volkswagen car was struck in the driver's side by a pickup truck.

It should be a reminder that, although drivers have the "right of way" when travelling straight along a major road, they lose that right when their speed is too fast to allow others to enter the road in safety.

**June 2, 2014**

### **Busy and Tragic Weekend of Serious Collisions in South-Western Ontario**

While the spring of 2014 has been relatively quiet in terms of the numbers of serious collisions, this past weekend saw a number of collisions occurring, primarily in rural areas.

Early Sunday morning two teenagers from Michigan sustained life-threatening injuries when their westbound vehicle left the right side of Queen Street at West Corner Road, north-east of Ailsa Craig, Ontario. The signed speed limit was 60 km/h however it was obvious that the vehicle was travelling much faster than the speed limit. Fortunately, the vehicle struck a number of smaller trees which were toppled by each impact and therefore the severity of each impact was less than if the vehicle had stuck one, non-yielding, large tree.

Later on Sunday, June 1st, a driver was ejected and killed after his westbound vehicle left Whalen Line east of Highway 23 and rolled over in a plowed field. Given the level surface on which the rollover occurred the driver should have had a good chance of survival had he stayed in the vehicle.

Earlier today, Monday, June 2nd, another serious collision occurred at the intersection of Imperial Road and Ron McNeil Line north of Aylmer, Ontario. A passenger in a car that was reportedly struck in the side sustained life-threatening injuries.

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