

PUBLIC JUSTICE E-LERT

AMERICA'S PUBLIC INTEREST LAW FIRM

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Talk about a wolf in sheep's clothing.

"Federal preemption" may sound innocuous, but it can tear the heart out of injury victims' rights, leaving them with no compensation and letting wrongdoers walk away unpunished. When federal preemption prevails, you can forget about a day in court.



Public Justice has been fighting federal preemption for 25 years, in areas ranging from boat engine propellers to airbags to prescription drugs. **Just last week, we asked the U.S. Supreme Court to take on the auto manufacturers' claim that federal preemption immunizes them for defectively designing vehicles with unsafe glass.**

In *Priester vs. Ford Motor Company*, James Priester was killed in a terrible crash when he was ejected from the side window of a passenger truck. His mother sued on his behalf, claiming that the truck was defectively designed because its side windows were made out of tempered glass, which shatters on impact, rather than laminated glass, which holds together on impact and helps to prevent passenger ejections. Even though the federal government permits the use of laminated glass in vehicle side windows, and has extolled its benefits, Ford argues that it can't be sued because the lawsuit somehow interferes with "federal purposes."

Ford's argument makes no sense, but the Supreme Court of South Carolina bought it hook, line, and sinker, and threw Ms. Priester out of court. We aim to get the lawsuit back in court, where it belongs, so that the Priestesters can get the justice they deserve.

Priester is markedly similar to another auto defect preemption case that is currently pending before the Court and that could be decided any day now. That case -- *Williamson vs. Mazda* -- involves claims that a car maker should have installed a lap-belt/shoulder harness in the rear aisle seat of a minivan. Although the federal regulation at issue in *Williamson* is different from that in *Priester*, the two cases present many of the same important federal questions about the preemptive effect of federal regulations. If *Williamson* goes our way -- and we think it will -- then the Priestesters may have their day in court after all.

To read our petition in *Priester*, [click here](#).

To read our *amicus* brief in *Williamson*, [click here](#).

Many thanks and congratulations to Public Justice Senior Attorney Leslie Brueckner and Budd-Kazan Attorney Matt Wessler, who co-authored the briefs in both cases, with input from me. And thanks to plaintiffs' trial counsel Darrell T. Johnson, Jr., and James B. Richardson, Jr., of Hardeeville and Columbia South Carolina, respectively, for all their hard work on behalf of Mrs. Priester.

Thanks to you, too, for your support. We couldn't do our work without you.

Have a great holiday season and keep fighting!

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