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IS YOUR TRAILER EXPOSING YOU TO PRODUCT LIABILITY CLAIMS?

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BUILT TO CODE, SUED BEYOND IT

Products liability claims arising from trucking accidents are nothing new, but recent verdicts suggest a shift in how plaintiffs seek to prove their cases against motor carriers. This session will discuss the recent nuclear verdicts against Wabash and Daimler and present strategies to protect your company from the same fate.

A. Wabash National Corp. -- \$462 Million Verdict

a. Case Summary

In a 2019 crash, a Volkswagen rear-ended a 2004 Wabash trailer. The trailer's rear impact guard failed, allowing the car to underride the trailer. Both occupants died instantly.

b. Key Allegations and Issues

Design Defect: Plaintiffs alleged that the underride guard was defectively designed, with insufficient welds, support, and crashworthiness.

Failure to Meet Modern Safety Expectations: Although the trailer met NHTSA standards at the time of manufacture, plaintiffs successfully argued those standards were inadequate in this day & age, and that a more robust guard should have been designed to withstand higher-speed impacts (up to 40 mph rather than the required 30 mph).

Strict Liability Focus: The case focused on product liability, meaning Wabash's compliance with then existing standards and the driver's intoxication were excluded from the jury's consideration.

Punitive Damages: Out of the \$462 million, \$450 million were punitive, suggesting the jury found Wabash's conduct particularly egregious.

B. Daimler Truck North America - \$160 Million Verdict

a. Case Summary

A 2022 accident resulted in incomplete quadriplegia for truck driver Leonard Wiley Streets after a rollover crash in a Western Star truck (a Daimler brand) caused by a pickup truck veering into Streets' lane.

b. Key Allegations and Issues:

Defective Cab and Seat Design: Plaintiffs claimed the cab's roof structure and the suspension seat failed to adequately protect the driver during the rollover.

Alternative Design Evidence: Daimler developed, with Indiana Mills and Manufacturing Inc., a more advanced seat design offered in Freightliner and Western Star trucks (starting in 2007 and 2017, respectively), but the truck involved in the crash was not equipped with the more advanced seat.

Product Focus: Like the Wabash case, the trial focused on the vehicle's design rather than the accident's causation (which was due to another driver swerving into the Plaintiff's lane).

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Damages: The jury awarded \$75 million in compensatory damages, \$75 million in punitive damages to the injured driver, and \$10 million to his wife for loss of consortium.

C. Takeaways from Both Cases

Design Choices Can Be Retroactively Judged: Even if the product met regulatory standards at the time of manufacture, juries are increasingly receptive to arguments that safer alternatives existed and should have been used.

Exclusion of Driver Fault Evidence: Courts sometimes exclude contributory negligence factors (e.g., intoxication, speed, seatbelt use, third party conduct) in strict liability cases, intensifying exposure for manufacturers.

Punitive Damages Are Growing: The size of these verdicts, especially the punitive awards, reflects jury frustration with perceived corporate indifference to safety over cost.

Focus Shift to Fleets and OEMs: These cases show a shift in litigation strategy: rather than only going after carriers or at-fault drivers, plaintiff attorneys are targeting manufacturers and suppliers of vehicles based on equipment safety.

D. Risk Mitigation for Fleets/Carriers

The bottom line is that nuclear verdicts are not just legal failures — they're perception failures. Juries are sending messages that “bare-minimum compliance” is no longer good enough. Here are some tips for mitigating the risks.

a. Proactive Equipment Inspections

Third-party audits: Have FMCSA-certified inspectors independently evaluate trailer underride guards, doorframes, and braking systems. Document these inspections.

Beyond regulatory minimums: Don't rely solely on outdated standards (e.g., 30 mph RIGs). If newer safety recommendations suggest 40+ mph protection, consider upgrading.

Rust remediation & maintenance logs: Avoid cosmetic fixes (paint and tape), focus on real corrective actions for aging trailers. Document and track these actions.

b. Retrofit and Upgrade High-Risk Assets

Review fleet inventory and retrofit older trailers with enhanced underride guards or crash mitigation technology.

Replace outdated ICC bumpers with those tested to higher impact thresholds.

Adopt smart sensor systems for temperature, collision warning, and driver alerts (if not OEM-installed).

c. Legal and Documentation Safeguards

Maintain a paper trail: Training logs, route risk assessments, maintenance schedules.

Regularly update manuals and dispatch policies to reflect the current best safety practices – not just FMCSA minimums.