

# MYTHBUSTER!

## LAWSUITS SAVE CHILDREN'S LIVES

Children across the country have suffered tremendously as a result of defective and dangerous products and practices. As the following examples show, many of these products or practices were made safer only after the families of sick and injured children filed lawsuits against those responsible. As a result of such lawsuits, the lives of countless other children have been saved. Laws that make it more difficult for these families to sue (so-called "tort reform") would be devastating for our nation's children.

- A 23-month-old baby suffered permanent brain damage and paralysis after his shirt became entangled on his crib's corner-post knob and he choked. As a result of this case, the crib can no longer be made or sold.<sup>1</sup>
- A two-year-old sustained severe burns to her esophagus after ingesting some drops of Liquid Plum'r. This case, along with others, caused the company to change the formula and redesign its container, and led government agencies to improve child restraint closure and labeling standards.<sup>2</sup>
- A baby suffered permanent brain damage after an obstetrician ignored a nurse's concerns over abnormalities on the fetal monitor. After this verdict, hospitals throughout North Carolina adopted a new protocol that allows nurses to intervene on behalf of patients without risking their jobs.<sup>3</sup>
- A five-year-old lost most of her intestines after becoming lodged in a pool drain. The case led the manufacturer to change its warnings and instructions regarding the safe use of its drain covers and caused an industry-wide recall of pool drain covers.<sup>4</sup>
- A running escalator in a Philadelphia subway station tore off the foot of a four-year-old child; the case led the transit authority to fix all broken escalators and to change the way it handled accident investigations.<sup>5</sup>
- A 15-year-old high school freshman baseball player was raped with a broomstick by teammates during a hazing ritual. As part of the settlement, the school district implemented a strict anti-hazing policy and yearly training for coaches and vice principals.<sup>6</sup>
- An infant remained in a vegetative state, having nearly drowned after climbing up on a filter and skimmer as a way of obtaining access to a swimming pool. As a result of this case and others, the industry changed its standards regarding placement of pool skimmers and filters.<sup>7</sup>
- A three-year-old suffered third-degree burns when she accidentally tipped over a vaporizer. As a result of this case and over 100 pending claims, the manufacturer redesigned the vaporizer to include a cover-lock top.<sup>8</sup>
- A four-year-old was severely burned when her cotton flannelette pajama top ignited as she leaned over an electric stove. After this case, the product was removed from the market.<sup>9</sup>
- A 14-month-old baby died from ingesting furniture polish. As a result of the case, the product's warning label was changed.<sup>10</sup>

- From 1981 to 1992, a reverend molested boys, age 14 or younger, at three different churches. As a result of the lawsuit, prosecutors pursued criminal charges against the priest, who was ultimately sentenced to life in prison.<sup>11</sup>
- A newborn suffered permanent brain damage after being left alone in a hospital's pediatric unit for 35 minutes, 10 to 15 of which he stopped breathing. After this lawsuit, the corporation changed its policy on staffing pediatric units throughout its chain of hospitals.<sup>12</sup>
- A four-year-old suffered severe burns after another child set her clothes on fire with a multi-purpose lighter. Information uncovered in the lawsuit prompted the Consumer Product Safety Commission to investigate multi-purpose lighters and ultimately issue child safety standards for them.<sup>13</sup>
- From 1984 to 1993, a fourth grade teacher molested young girls, ages 7 to 12. As part of the settlement, the school district agreed to conduct sexual harassment and abuse training district-wide and to revise its current policies and procedures.<sup>14</sup>
- Twenty-two students contracted cancer because of toxic pollutants emitted from a chrome-plating facility adjacent to their school. As a result of two lawsuits, the company agreed to discontinue the chrome-plating portion of its operations.<sup>15</sup>
- An 18-month-old suffered brain damage after he wandered into a neighbor's above-ground pool and became trapped under its floating solar cover. This case, along with others, caused the Consumer Product Safety Commission to create a safety standard for solar covers.<sup>16</sup>

---

## NOTES

<sup>1</sup> *Lineweaver v. Bassett Furniture Industries, Inc.*, No. 267008 (Contra Costa County Super. Ct., Cal., amended complaint January 23, 1985); *Lineweaver v. Bassett Furniture Industries, Inc.*, No. 285895 (Contra Costa County Super. Ct., Cal., filed May 5, 1983).

<sup>2</sup> *Bowen v. Jiffee Chemical Corporation*, 1984 U.S. Dist. LEXIS 21926 (order distributing funds, filed November 16, 1984); *Bowen v. Jiffee Chemical Corporation*, 1984 U.S. Dist. LEXIS 22303 (journal entry of judgment, decided and filed October 31, 1984).

<sup>3</sup> *Campbell v. Pitt County Memorial Hospital, Inc.*, 84 N.C. App. 314 (1987).

<sup>4</sup> *Lakey v. Sta-Rite Industries Inc.*, 93 CVS 00425 (Wake County Super. Ct., N.C., settlement January 14, 1997).

<sup>5</sup> *Hall v. Southeastern Pennsylvania Transportation Authority*, No. 0732 (Philadelphia Ct. of Common Pleas, Pa., February 1997).

<sup>6</sup> *Doe v. Poway Unified School District*, Confidential Report for Attorneys, No. 9833 (settlement September 1997).

<sup>7</sup> *Andrews v. Coleco Industries, Inc.*, No. 82-60066 (E.D. Mich. 1983).

<sup>8</sup> *McCormack v. Hanksraft Company, Inc.*, 154 N.W.2d 488 (Minn. 1967).

<sup>9</sup> *Gryc v. Dayton-Hudson Corp.*, 297 N.W.2d 727 (Minn. 1980), *cert. denied*, 449 U.S. 921 (1980).

<sup>10</sup> *Spruill v. Boyle-Midway*, 308 F.2d 79 (4th Cir. 1962).

<sup>11</sup> *Doe v. Kos*, No. 93-5258 (Dallas County Ct., Tex., verdict July 27, 1997).

<sup>12</sup> *National Bank of Commerce v. HCA Health Services of Midwest, Inc.*, No. 84-160 (Saline County Cir. Ct., Ark., verdict October 6, 1986).

<sup>13</sup> "Safety Standard for Multi-Purpose Lighters; Final Rule," 16 CFR Part 1212 (enacted December 22, 1999); Consumer Product Safety Commission, "Multi-Purpose Lighters; Advance Notice of Proposed Rule Making; Request for Comments and Information," 62 FR 2327, January 16, 1997.

<sup>14</sup> *Sojourner T. v. Confidential School District*, No. S97-06-08 (U.S. Dist. Ct., Cal., settlement July 1996).

<sup>15</sup> *Communities for a Better Environment v. Chrome Crankshaft, Inc.*, No. VC-028-531 (Los Angeles County Super. Ct., Cal., first amended complaint for damages filed December 22, 1998; complaint for civil penalties filed January 19, 1999); *Brock v. Chrome Crankshaft Co.*, No. VC-027-180 (Los Angeles County Super. Ct., Cal., filed October 28, 1998).

<sup>16</sup> *Povoor v. Chahine*, No. 670576 (Santa Clara County Super. Ct., Cal., tried June 1991).