



Litigator of the Week: The Georgia Lawyer Who Hit Ford With a \$1.7 Billion Product Liability Verdict

Jim Butler of **Butler Prather** had a clear message last week at the end of a three-week product liability trial he led for the family of a couple who died after the roof of their Ford F-250 pickup collapsed in a rollover crash more than eight years ago.

“A punitive damages award in this case heard round the world will save lives,” Butler told the jury during closing arguments in the trial’s second punitive damages phase.

Butler wasn’t wrong about that “heard round the world” part. Jurors hit Ford Motor Co. with a \$1.7 billion dollar punitive damages award on Friday, after having awarded plaintiffs \$24 million in the earlier phase of the case.

For Butler, this week’s Litigator of the Week, the win marked the eighth verdict of more than \$100 million of his career. Butler responded to the Litigation Daily’s questions with answers, transcripts, court rulings and exhibits. We’ve linked to them where appropriate in the lightly edited version of his responses below.

Litigation Daily: Who were your clients and what was at stake?

Jim Butler: Kim and Adam Hill, sons of Voncile and Melvin Hill, who died as a result of a crushed roof from a rollover of a Ford F250 Super Duty truck, on April 3, 2014, in Sumter County, Georgia. Ford sold 5.2 million trucks with that roof, 90% of them F250s (3/4 ton trucks), from model year 1999 through model year 2016. Millions remain on the road. Ford knew before it sold the first one that the roof was dangerously weak and could kill in rollover wrecks. Ford got sued 162 times, starting in 2000, after rollovers and roof-crush killed, paralyzed, and/or severely injured occupants.

How did this case come to you?

I was associated by attorneys **Larry Walker** and **Mike Gray** of Perry, Georgia.

Who was on your team and how did you divide the work?

I was lead counsel. I am with Butler Prather LLP. I handled most of the voir dire, opening statement, two of plaintiffs' three expert witnesses, two of plaintiffs' five lay damages witnesses (to testify about Mr. and Mrs. Hill, including their two sons), cross examination of three of Ford's five expert witnesses, concluding argument in phase one (covering the amount of compensatory damages and 'yes' or 'no' to imposition of punitive damages), one of two witnesses in phase two on the amount of punitive damages, and closing argument in phase two. **Gerald Davidson** of **Mahaffey Pickens Tucker** handled one of plaintiffs' experts and one of Ford's experts and two of plaintiffs' lay damages witnesses, plus opening argument in phase one. **Mike Terry** of **Bondurant Mixson & Elmore** handled cross of one of Ford's experts and the charge of the court. **Dan Philyaw** of Butler Prather handled one of the lay damages witnesses and the main witness called by plaintiff in phase two, and assisted with the charge. **Laurie Ann Taylor** of Bondurant Mixson & Elmore assisted with the charge. From Butler Prather, our senior paralegal **Kim McCallister** was mainly in charge of orchestrating the trial and exhibits, assisted by paralegal **Sarah Andrews**, and investigator **Nick Giles** did all the investigation during the litigation, for eight years.

Fill me in on the earlier mistrial in this case in 2018. What was left to decide in the first phase of this trial?

See [the sanctions order](#). That spells it out better than I can relate.

What were your key trial themes and how did you bring them home with the jury?

So many! See [the attached trial transcript](#) for my closing argument, starting at page 88. Some were: whenever a Ford lawyer or witness talks, ask yourselves: "What about *this* roof in *these* 5.2 million trucks?" Ford did not want to talk about this roof, because Ford had no defense—no excuse. Ford's claims about what Ford supposedly "believed" were based on pure junk science, fabricated to fool jurors and try to keep NHTSA from applying the very minimal federal standards to these heavy duty trucks and from increasing the federal minimum standard. See [transcript](#) at page 126, line 2 through page 128, line 24.

Can you describe the scene for me in the courtroom in Lawrenceville when this punitive damages verdict came in?

It was calm and quiet. Most of the jurors were beaming; one was crying.

This verdict marks the eighth time that you've won a jury verdict of more than \$100 million. Are there any themes that are common to these cases?

Yes. Good plaintiffs; terrible injuries that will continue to create more victims into the future; no real defense; defendants making stuff up to try to divert the jurors from defendant's guilt; defendants' without remorse; very hard work for a very long period of

time by an entire team of lawyers paralegals and investigators; and obsessive preparation.

You asked the jury to send Ford a message with this verdict. Folks in the tort reform community are undoubtedly going to take this message and use it in their own ongoing discussion of so-called “nuclear verdicts.” Does the way tort reformers might leverage your verdict wins to lobby for legislative changes ever come into consideration when you make this sort of ask to a jury?

Answer to the last question: We had an opportunity to save lives. That was our team’s focus, and our clients’ focus. Tell the tort reformers that it was Ford that wanted a jury. Because Ford deliberately caused a mistrial in 2018 to escape a verdict, then wasted 19 months on an illegitimate appeal rejected 3-0 by the Georgia Court of Appeals and 8-0 by the Georgia Supreme Court, which bumped us into the pandemic and then into the courts’ backlog. Plaintiffs *waived jury trial* and agreed to a bench trial (by the judge). Ford insisted on a jury trial.

As to the amount, see Dr. Joshua Brooks’ chart attached—the financial circumstances of Ford, and see the numbers on my flip chart page used in closing argument for phase two: Ford made at least \$19.85 billion selling these 5.2 million trucks and at least \$663 million selling 155,000 of these trucks in the state of Georgia.

You told my colleague Katheryn Hayes Tucker: “This is the best case I ever tried.” What will you remember most about this matter?

Team work. It was just a complete trial—we won every witness, big-time. Ford had nothing but misrepresentations and attempts to divert the jury’s attention, which failed.