

# Times Leader

## Millions awarded in cycle injury

*Jury holds manufacturer of helmet liable in ordering payment of \$6.8 Million to wife of Dallas man.*

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WILKES-BARRE - A jury on Friday awarded \$6.8 million to the wife of a rural Dallas man who has been in a chronic vegetative state since a motorcycle crash nearly five years ago. Mary E. Wandel of Washington Street, Fernbrook, filed a suit in 1994, claiming a defective helmet manufactured by Bell Helmets, Inc. of California failed to protect her husband, Keith, after a low-speed crash.

Wandel, then 43, was traveling 10 mph when he lost control of his Kawasaki motorcycle while trying to avoid an approaching car and flipped over the handlebars, landing headfirst on the roadway, according to the suit. The crash occurred April 25, 1993 on East Center Street, Kingston Township.

A Luzerne County Court of Common Pleas jury deliberated for 7 1/2 hours Friday before finding Bell Sports and the store that sold the helmet, Bill Atiyeh's Cycles of Wilkes-Barre, liable. The firms were ordered to pay \$6,875,000 in damages to Wandel and his wife. The defense is expected to appeal.

"I think the award was fair and reasonable under the circumstances," said [Shanin Specter](#) of Philadelphia, attorney for the Wandels. "It seems to me it's a moderate award. . . . Bell made a helmet that could not withstand a low-speed accident."

In determining the percentage of negligence, the jury found Bell Sports to be 78 percent negligent and Keith Wandel to be 22 percent negligent. In civil cases, a jury may award monetary damages only if the injured party is found to be 49 percent negligent or less. Keith Wandel remains in a Nanticoke nursing home. He is completely incapacitated, unable to breathe on his own, recognize his family, move or feed himself. He is expected to remain

institutionalized the rest of his life, with the cost of his care estimated at several million dollars, Specter said.

"My concern is there being money adequate to care for a man in this kind of condition. I'm very satisfied with the verdict," Specter said. Jurors found Bell Sports and Atiyeh's Cycles jointly liable, but Bell Sports will be solely responsible to pay the damages, according to Cody Brooks of Scranton, the attorney for Bill Atiyeh.

Brooks said product liability law requires the manufacturer of a defective product to indemnify the retailer of the product unless it's proven the retailer altered the item. Bell Sports' attorney, John Mezzanotte of Media, did not return a phone message left at his hotel room in Wilkes-Barre. Specter said Mezzanotte told him he intends to appeal the verdict. Jurors heard testimony for 10 days. Brooks said Wandel's claim centered on a decorative helmet trim which had been attached by glue. Experts testified the glue interacted with and weakened the plastic helmet, causing it to crack when it hit the pavement.

Brooks said Bell Sports denied it used glue to attach the trim. The firm maintained that Wandel's injury was a "rotational injury" that no helmet could have prevented. He said a rotational injury is caused when the head hits an object with great force, causing the brain to "move" inside the skull.

Brooks said no one disputes the case is tragic. He declined to speculate on whether sympathy played a role in the jury's decision.

Reached at home, Charles Gobson, a member of the jury, said the panel agreed not to speak to the media about its decision. A woman who answered the phone at Mary Wandel's home said the family would have no comment. Specter said Keith Wandel, a father of three grown children, was employed at Procter & Gamble Co. in Mehoopany at the time of the crash and was earning about \$43,000 a year.

Specter said the Wandels have a large family, many of whom were in the courtroom when the verdict was read. "I would describe their reaction as being satisfied, although of course they would trade all the money to have their husband and father back."

*-Staff Writer Bonnie Adams contributed to this story.*