

# *Bad Brake*

# BAD BRAKE



FORD TRUCKS—  
DEADLY WHEN PARKED

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*The following story is true. It is based on official documents, trial transcripts, personal observations, and interviews with those who were involved.*

PART I

# The Battle Begins

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## The Bobbs

TAMMY BOBB WAS HAVING a bad time. Just twenty-three, she had three kids to care for—Scott, seven, Andrew, two and a half, and baby Derrick, eleven months. And she had just separated from her husband, Dave. Not that the kids noticed—Dave drove a big rig and was on the road most of the time anyway. The young family lived in a trailer park in South Central Pennsylvania, in the town of Newville. Today, more than most days, Tammy wanted, needed, to get away, to escape that cramped trailer park, if only for a few hours. It was a Sunday and Scott was at a friend's house, so she decided to load the two younger boys into her pickup truck and head for the mountains, to the family's cabin in the woods. Tammy owned the wood frame house with her mother and two brothers. It rested in a secluded, pretty spot adjacent to a state park about twenty minutes away. It would be nice to go there for a while and just relax. Besides, her pickup had a small load of wood and cinderblocks she had to drop off at the cabin.

When she arrived, her Ford F-150 climbing the last mile up a deserted gravel road, Tammy parked next to the cabin and hopped out. It was hot for September, but this spot was covered constantly in cool shade from the huge pine trees that rose up the hillside and the thick mountain laurel that covered the rocky terrain. A cold stream flowed in front of the cabin, where the family got water to drink and to boil to make macaroni and cheese for the kids. The cabin, built in a remote spot just off the Appalachian Trail in 1956, had no running water, no bathroom, no shower. Tammy had shampooed her hair more than once in the stream's crystalline currents.

The cabin wasn't much, its screened-in porch packed with old, faded furniture and a cranky generator to pump electricity into the cluttered kitchen. The place had a musty smell. But it was theirs. They had put a sign up on the cabin: "Camp Lil' Bit."

Tammy backed the truck into the driveway so she could unload the wood into one of the bins used to store firewood. She stepped down on

the parking brake, shifted into first gear, and removed the key. She didn't check the manual stick shift, which Tammy, like many drivers, left in first gear as a safety precaution, the transmission as well as the brake holding the vehicle. Tammy didn't realize it, but she had shifted the truck into fourth gear, not first. It didn't really matter, though. She had set the parking brake.

She took baby Derick out in his car seat and placed it on the concrete slab that made the cabin's foundation, a sort of ground-level porch. She took Andy out and put him in the back of the truck to help her with the wood. He handed the small cut pieces of an old birch tree to his mother, stopping from time to time to peel off its white papery bark. A few of the larger pieces he rolled down to Tammy along the truck bed. It wasn't long before Derick, an energetic tyke with blond hair and a wide smile, became restless, annoyed at being strapped into his seat. He started to squirm, then holler. He wanted out.

"All right, all right. Just hold on a minute," Tammy said. She unclipped his straps and let him crawl about on the porch. Derick didn't walk yet, but he could crawl as fast as a lizard.

"Andrew, stay there and help Mommy with the wood."

Tammy and Andrew went back to their chore, Andrew giving Tammy the pieces of wood and Tammy placing them on the woodpile. Tammy had turned toward the pile when Andrew yelled out to her.

"Mom! Mom! The truck! It's moving!"

The pickup had started to roll forward, slowly, an inch at a time, down the slightly sloped driveway. Tammy's first reaction was to glance quickly back at the cabin. At the porch. *Derick! Where was Derick?*

She dropped the pieces of wood and clutched at the open tailgate. *Dumb*, she thought, *I can't hold back a truck*. Tammy ran around to the side of the vehicle. Too late. She saw that Derick had crawled to a spot on the ground next to the pickup. The rear tire approached his right arm, starting to roll over the tiny limb. She dove to the ground knees first, grabbed his arm, and tried furiously to pull it out. She yanked at his arm but it wouldn't budge. The tire held Derick's arm and it was moving toward his neck and head. Tammy pulled harder, moving him toward her and away from the tire, but only slightly, maybe an inch or two. His neck was in the clear but now the tire was rolling straight for his head. In the next few seconds the unimaginable happened. The tire rolled up and over his head. Tammy was helpless to stop it. Terrified, she could only watch and wait—Was it three seconds or three hours?—for the tire to complete its rotation, lifting the truck as it moved over her little boy's skull.



To her surprise, when the tire moved clear of Derick, he rose on his own to his hands and knees. He started to cry. A good sign? Maybe he was all right. Tammy took two big steps toward the open driver's side door to try to stop the truck, to lunge for the brake pedal, but the truck came to a halt on its own. She went to press down on the emergency brake, but it was already down. How could that be?

She looked quickly back at Derick and what she saw horrified her. His head was covered with blood, his blond hair matted with a deep red that ran down his neck and onto his orange T-shirt. She rushed over and grabbed him, spreading the fingers of one hand behind his head and neck for support and the other on his chest to turn him over. That was when he stopped breathing. Derick was out cold, his eyes rolled back into his head, his lips turning a grayish blue. Tammy held his little wrist with her thumb. No pulse.

Tammy knew CPR. She'd learned it at the local firehouse, where Dave worked as a volunteer. She lifted Derick carefully and placed him on his back. She put her mouth over her baby's and tried to force a puff of air into his chest. But she had a bad seal and the air was leaking out. She wanted to move his chin up but was afraid that his neck might be broken. She puffed again, but again it didn't work. She suddenly realized her mistake.

"He's an infant, stupid!" She yelled at herself out loud. Infants are too small to be administered regular CPR. You instead have to place your mouth over both the baby's mouth and nose. Tammy did that now and felt the subtle vibration of air moving into Derick's lungs. She pressed his chest, his heart, three or four times. Finally Derick let out a deep breath, like a long, soft sigh. She had brought him back. She had saved his life. Tammy put Andrew in the truck and lifted Derick onto the seat beside her. She rubbed his chest as he lay on his back. She started the engine, released the parking brake, and headed down the mountain, driving almost 60 m.p.h. in second gear down the twisting road, the truck bouncing violently, its rear tires sliding around the turns and spitting gravel out into the woods. Tammy knew that the nearest house with a phone was more than a mile away. When she reached it she slammed to a stop, jumped out of the truck, and began pounding on the front door.

"Help! I need help!" she shouted. An elderly man swung the door open. "Hurry! My baby is hurt! Call 911!"

Dave Bobb was at the Newville Firehouse when the call came over the radio for an ambulance. He didn't recognize the address since it belonged to someone he didn't know. Then he got a phone call. "Jesus," he

yelped, "that call was for my boy, for Derick!" A friend drove Dave to the house where Tammy had gone to call the ambulance, and then Dave drove to Chambersburg Hospital, speeding along the local roadways. He arrived after the ambulance and learned that Derick had been flown by helicopter to Hershey Medical Center. Dave got to Hershey a short time afterward. Tammy reached the hospital later, her eyes streaming tears with every mile she drove, not knowing how her baby was. Would he be all right? Derick had actually stood up right after the accident, so maybe he'd be fine. Maybe the little guy would brush it off. Kids were resilient, right? Or was he dead? Was Derick gone forever? Tammy could feel the sense of dread welling up in her, mounting as she slammed the Ford into a parking spot near the emergency room doors and ran inside. Her mind and heart raced. She couldn't imagine feeling more terrible.

Until the recriminations began.

"She probably wasn't paying attention," said one of Tammy's older brothers, or so she heard days after the incident. Before anyone knew Derick's condition, before they even knew what had happened, Tammy was being blamed. Truth be told, Tammy wasn't sure herself what had happened or how.

And it only got worse. Later a woman whom Tammy considered a friend would call the government, the county Children and Youth Services office, suggesting that perhaps Derick's injury wasn't an accident at all. She reported to the authorities that the child had been scalded on his right arm just the week before, and asked, "Don't you think something funny is going on?" Derick had been burned while taking a bath with Andy, Tammy had explained to friends who saw the injury. She had just stepped out of the bathroom for a couple of seconds to put in a load of laundry when one of the boys accidentally pulled on a toy bucket that had been hanging on the cold water spigot, turning it off. Tammy had made a mistake. She wasn't a perfect mother.

Then her own husband questioned what had happened at the cabin. "Dave saw me and said, 'What the hell did you do?'" she recounted. "I said, 'Nothing.' I knew I didn't do anything wrong. I just kept saying it and saying it. 'I didn't do anything wrong!' He didn't really believe me."

While Tammy dealt with the guilt and accusing glances, the medical team worked to save her son. When one of the doctors came out to the waiting room, Dave approached him. "How is Derick? And don't sugar-coat it. Don't give me a line of bullshit." And the doctor didn't. He told Tammy and Dave that Derick might die. His condition was uncertain.

Several hours passed and the prognosis improved. Derick would survive, the doctors said, but after that the news was not good. He had endured a traumatic injury to his brain. The doctors' terminology was itself mind-bending—"acute hydrocephalus, subdural hemorrhage, subarachnoid hemorrhage, and massive central edema." In short, his skull had been crushed and he had sustained severe bleeding in his brain. The doctors told Tammy and Dave that Derick would likely remain in a permanent vegetative state.

Days went by, then weeks. Derick had his first birthday in the hospital on October 10. Tammy and Dave stayed most nights at a Ronald McDonald House nearby while their baby underwent treatment. Derick was released on December 3, 1993, eleven weeks after the tragedy at the cabin. He would continue to recover but his progress would be slow and unsure. As was his prognosis. He had brain damage—that was clear. But exactly how much damage remained in doubt. Derick might recover to a good extent, the doctors now thought, though he would always have difficulties. He probably would be blind.

## The Brakes

THE STRANGE OCCURRENCES STARTED in 1992. Ford pickup trucks were moving on their own, rolling off when drivers' seats were empty. The vehicles were running into fences, houses, other cars. First a few, then a few dozen. Then more and more.

- Mr. Bremser reported that he engaged the parking brake, leaving the engine running and the transmission in neutral, and got out of the vehicle. He heard a “pop” and the vehicle began rolling down his driveway, striking a fence.
- Mrs. Snyder reported that she was removing a boat from its trailer when she heard a “snap.” The vehicle allegedly then began to roll into the lake and struck the boat.
- The vehicle was reported to be parked on an incline with the transmission in neutral and the parking brake applied. Approximately five minutes later, the vehicle allegedly rolled and struck another parked vehicle.

Reports of “rollaways” were being received by the Ford Motor Co., which then passed them along to the National Highway Traffic Safety Administration (NHTSA), as required by law. The reports concerned a particular Ford vehicle, the company's top-selling F-Series trucks, the F-150, F-250, and F-350 pickup trucks. Some of the trucks seemed to have a will of their own, not unlike the title character in the 1983 Stephen King movie *Christine*, a red and white 1958 Plymouth Fury with a murderous mind. There was just one difference. King's story was fiction. These stories were true.

At first the incidents didn't appear so serious. A fender scraped here, a bumper damaged there. And Ford seemed to dismiss the reports that the vehicles' parking brakes were somehow disengaging, terming the incidents “reported” and “alleged.” But then some of the incidents began to get serious.

- Reportedly, Mr. Lynn's daughter parked the vehicle in the driveway with the engine running and the parking brake applied. The parking brake allegedly failed to hold the vehicle, which rolled and struck Mr. Lynn's house, damaging the vehicle.
- The vehicle was reported to be parked on an incline with the transmission in neutral and the parking brake applied. A "popping" noise was allegedly heard, the vehicle began to roll, and subsequently the vehicle overturned before coming to a stop.
- The driver allegedly had applied the parking brake and exited the vehicle to shut the garage door. The vehicle rolled toward the driver and struck him.

Some of the incident reports were more than a tad understated, at least by the time NHTSA got them. For instance Mr. Lynn's car had not struck his house, causing unspecified, presumably minor damage. Years after the mishap Lynn still remembered his truck rolling away as if it had just happened.

"I got out of the truck and went to open the garage," he recalled. "Then I heard a 'pop.' Just for one second I turned around and looked at the truck. Nothing. Then, I look again and I see it's moving. It rolls backwards about the length of itself. Now I had this concrete pad in front of the garage that was fairly level, and it rolls off the pad and now it's really moving . . . My daughter, Sally, who was thirty-two at the time, she starts running for the passenger side and I holler, 'Stay back! Sally, stay back!' I had the driver's door open but I couldn't run fast enough to get around it and into the truck. It was going too fast."

That was probably a good thing. Within seconds Lynn's truck rolled off his driveway and down a 27-foot embankment, its tail end striking with such force that the truck bed was shoved two to three inches into the cab, buckling its frame. Damages totaled \$7,000.

"You know what, if I would've tried to get back in that truck I would have gotten hurt," said Lynn. "We were really lucky no one got hurt on that truck that day."

After he climbed back into the truck the parking brake (also called an emergency brake) popped again. "After the repairs were done, I was real careful with it," said Lynn, "and one day it just popped off again."

Without being touched. Spontaneously.

Lynn brought the truck back to his local Ford dealer to complain. "That good-for-nothin' Ford dealer said there was nothing wrong with that brake. He said, 'You just didn't put the brake on.' I said, 'Bullshit!'"

Lynn, fifty-seven and the owner of his own zinc alloy company, wasn't used to getting any guff and he wasn't going to take any from a car dealer. He made the dealer look again. The dealer sat in the truck and pushed the parking brake down to the floor. It held. Then he released it and depressed the pedal again. And again. It held each time.

"How can we fix it if we don't see anything wrong with it?" he asked Lynn. But Lynn wouldn't be dismissed. He knew he wasn't nuts, hadn't imagined it all. He was also stubborn, continuing the argument and insisting something was wrong with the brake. As the two men argued they were interrupted by a sharp and distinct sound. *Pop!* "The sucker popped off right while he was standing there," said Lynn, chuckling at the memory. The dealer immediately gave Lynn a loaner and kept his truck. He installed a whole new parking brake free of charge. He also vowed to dash off a complaint directly to Ford.

Lynn never heard back from the dealer or Ford Motor Co. He was never reimbursed for the damage to his vehicle, most of which his insurance covered. He never received a letter from Ford. He never even knew whether the incident with his truck had been reported to Ford or placed in its records.

Ford had investigated a number of the incidents. It initially forwarded nineteen complaints to NHTSA. The agency was also receiving independent consumer complaints about the moving vehicles. In those cases Ford did look into, either by sending its own representative or having a dealer inspect the truck, it found pretty much the same thing. Nothing.

- A dealer's inspection could not find anything wrong with the vehicle.
- Neither a Ford representative nor an insurance adjuster could find a problem with the parking brake when inspected.
- No problem with the parking brake was found when inspected by the dealer's service manager.
- The alleged failure could not be reproduced.

Still, a couple of the reports must have been troubling to Ford. In one, "the dealer verified that the parking brake would not hold the vehicle." In another, "the parking brake pedal was in the applied position when seen by the dealership's service manager after the incident"—in other words, the car had rolled, even with the parking brake pedal depressed.

But these reports were a mere handful out of hundreds of thousands of trucks sold. Maybe some of the drivers depressed the brakes improperly or not at all. After all, most of the brakes looked fine when they were

inspected after the reported incidents. Maybe the drivers just *thought* they had applied the parking brake. It wouldn't be the first time a driver made a mistake he didn't want to admit afterward. In fact, in one of the cases Ford investigated it turned out that the owner had damaged the brake system when he tried to set it by repeatedly stepping on the release lever instead of the brake pedal. Human error or human stupidity could always be possible.

Some people might blame the truck to cover up their own mistakes. They might be too embarrassed to admit they had done something wrong. In some cases such an admission meant more than mere embarrassment. It meant paying for accident repairs or higher insurance premiums. It meant liability. Easier to blame something or somebody else. And who better than a big, faceless corporation with deep pockets? On the other hand, how many people had their vehicle roll away, blamed themselves, and never reported it to Ford or NHTSA?

TWO DAYS AFTER DERICK was hurt, an incident occurred that restored Dave Bobb's faith in his wife. That day Dave drove the F-150 that had run over his son to the Hershey Medical Center, where Derick was still being treated for severe injuries. Dave parked the pickup in the hospital lot and stepped down on the parking brake. But as he depressed the pedal he heard a clicking sound, and then the brake did something it hadn't done before. It pushed right through to the floor, without locking. An alarm went off in Dave's head. He immediately knew what had happened at the cabin. He knew Tammy wasn't crazy, wasn't concocting an excuse for the mishap. Something was wrong with the parking brake.

Of course, the Bobbs didn't know anything about Ford's history of problems with the parking brake on its F-Series truck, one of the most popular vehicles in automotive history. This type of truck, introduced in 1948 with the F-1, was by the 1980s America's best-selling vehicle of any kind, a title it continued to hold for decades. In some recent years the trucks accounted for more than half of Ford's total profits.

The Bobbs also did not know much about lawsuits or lawyers. Until now they hadn't really thought of anything except Derick. But a nurse at Hershey who witnessed their ordeal and heard the strange story of the moving pickup truck suggested that they consult an attorney. She gave them a name and arranged for an appointment. Tammy and Dave, awash in emotions ranging from bewilderment to anger, decided that they would at least like to hear what he had to say. The first lawyer who

reviewed their case referred the Bobbs to another lawyer from a bigger firm located in Philadelphia. Not many lawyers, especially those with smaller rural or suburban firms, were able to take on a major American corporation. Such a battle took time and resources, often several years and hundreds of thousands of dollars. It required perseverance and toughness.