

## Auto Dealer Settles With Drowning Victims' Families

By CHRISTIAN NOLAN

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The families of a woman and three children who drowned when a van rolled into a Bridgeport pond in 2007 have settled a lawsuit against the dealership that sold the van.

Lawyers involved in the settlement would not disclose the terms of the deal. The plaintiffs had sought \$15.5 million, according to court documents.

The settlement was reached in early December, the night before jury selection was slated to begin in Bridgeport Superior Court.

The van was parked at Beardsley Park on July 4, 2007, when it began rolling down a hill. Michelle McIntosh, 39, ran after the van but couldn't stop it and drowned, while unsuccessfully trying to save the children inside the van. An investigation determined one of the children had shifted the transmission into drive.

The children who died were McIntosh's son David Jr., 2; her nephew, Jayden Wilson, 6; and 2-year-old Julia Boyd, the daughter of a family friend.

After the drowning deaths, the city installed a rail barrier along the road above the pond where the accident happened.

One of the plaintiffs' lawyers, **William Bloss**, of **Koskoff, Koskoff & Bieder** in Bridgeport, said in 1999 most car companies had installed a safety device to prevent the transmission from being shifted into drive without the brake pedal being depressed. But he said McIntosh's 1999 Plymouth Grand Voyager was sold without that device. "Chrysler was one of the last holdouts on some of their its vehicles," said Bloss.

**Peter Dreyer**, of **Silver, Golub, & Teitell** also represented two of the plaintiffs.

Bloss said the plaintiffs had a former Chrysler executive prepared to testify if the case had gone to trial. The former executive claimed he had advocated for Chrysler to install the brake-gear shift interlock device in all of its vehicles and the company refused.

Bloss explained that the plaintiffs could not sue Chrysler because the automaker had filed for bankruptcy in 2009 and was protected by federal law from damages lawsuits. However, Bloss said that state law permitted the plaintiffs to go after the dealership — Loman Auto Group of Woodbridge, N.J. — which initially sold the vehicle even though the McIntosh family had later purchased the used vehicle from someone other than the Loman dealership.

"A retailer has the same responsibility as the manufacturer so we were able to proceed against Loman, the dealer," said Bloss. "Even if the customer did not buy it from the dealer, the [public] policy is, it doesn't matter who ultimately gets hurt, that dealer has the same responsibility as the manufacturer."

Bloss said the victims' families were now ready to "turn the page."

"To call this a tragic circumstance is a substantial understatement," said Bloss. "This is about as bad as it gets in terms of what can happen to one family in the blink of an eye."

Loman Auto Group was represented by **Stephen Fogerty** of **Halloran & Sage**. Fogerty said his clients were "happy with the result" of the settlement.

The case was mediated before **Jay Sandak**, a private attorney at **Sandak, Hennessey & Greco** in Stamford.