

Indiano & Williams wins appeal involving Mercedes-Benz.

Indiano & Williams recently won an appeal against DaimlerChrysler (now Daimler AG) in a case involving a Mercedes-Benz 300 SDL which ran over a six month old baby boy who later died from those injuries. The car was in park, with no keys in the car, yet another child was able to move the gear shift out of park (accidentally) because there was no safety feature, or interlock, to prevent this inadvertent movement, even with the keys out of the ignition.

The case turned on the interpretation of Rule 15 of the Federal Rules of Civil Procedure and the relations back provisions of Rule 15 (c) specifically. The Court of Appeals for the First Circuit, speaking through Judge Selya, reversed the District Court and reinstated the case in favor of the parents of the deceased child. Daimler had tried to play a shell game misleading the public, in its website, as to the proper name of its corporate entity. The Appellate Court saw through this attempt and applied Rule 15 to the facts, noting that plaintiffs had fully complied with the Federal Rules, which would be applied in this case. The Mercedes-Benz defendant had argued that the Puerto Rico local statute of limitations would render the case time-barred. This was rejected by the First Circuit.

The case serves as a tutorial on the application of Rule 15 (c). The 1991 amendments to this Rule make it clear that the relations back provisions should be applied liberally. Regardless of the diversity basis of jurisdiction, this procedural rule will apply over any argument that a state substantive statute of limitations will bar a claim under facts similar to this case.

David C. Indiano argued this case for the plaintiffs. The case will now proceed to trial on the merits.