



# Families of car crash orphans sue Chrysler for safety flaws: Allege design faults made Berry kids accident worse

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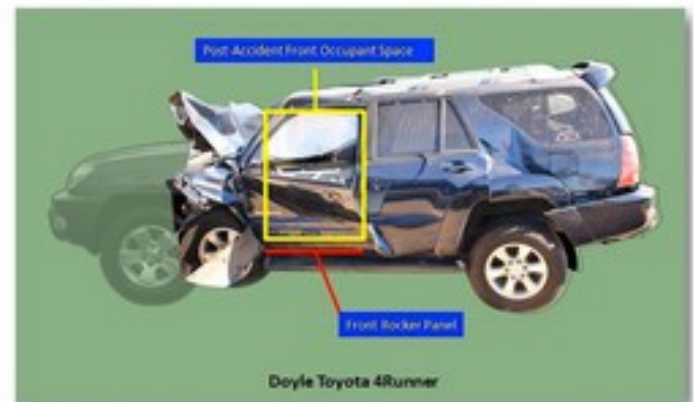
The accident in July 2011 was horrific — an SUV veered into the lane of the Berry family minivan near Fort Stockton, resulting in a front-end collision at highway speeds. The crash claimed the lives of Houstonians Robin and Josh Berry and seriously injured their three children, Peter, Aaron and Willa with Peter and Aaron being paralyzed.

The horror of the crash captured national headlines — and drew both everyday Houstonians and international stars like [Justin Bieber](#) into fundraising efforts.

Now a lawsuit asserts that design flaws in the family's 2003 [Chrysler Town and Country](#) minivan were partially to blame for the tragedy.

Represented by prolific attorney [Richard Mithoff](#), Matthew Berry and Sue G. Perlo on the family's behalf are suing Chrysler, as well as the driver of the other vehicle in the accident, Mike Scott Doyle. Joseph Ahmad, of the law firm [Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing](#), is working with Mithoff on the lawsuit, representing Sue G. Perlo, the children's grandmother and the administrator of her daughter Robin Perlo Berry's estate. Matthew Berry is Josh Berry's brother, the executor of his estate and the guardian of the Berry children.

"This was a collision at highway speeds. But in a properly designed vehicle, such a collision should not result in the complete collapse of the driver and front passenger compartment, and should not result in the seat back and seat belts causing catastrophic injury," Mithoff said in a statement. According to the suit, both the SUV, a Toyota 4Runner, and the minivan experienced similar forces in the crash — both were traveling at approximately the same speed, were of similar weight and size and experienced the same angle of impact. Yet the 4Runner's safety cage (a rigid steel structure that surrounds vehicle occupants) and front occupant space remained relatively intact after



the crash, while the Chrysler's "crush zones" failed to absorb the impact, the safety cage experienced a "structural failure" that led key frame elements including the pillars and the rocker panel to buckle, leading to "excessive rearward intrusion" by the engine and instrument panel, mortally crushing the Berry parents.

The suit also alleges that the safety belts worn by the Berry children were not properly designed or positioned for children of their size, despite Chrysler marketing the minivan to families and describing normal seat belt use as proper for children big enough to wear the shoulder restraint comfortably.

Due to defects in the design of the seat belts and seat backs . . . both [Peter and Aaron Berry] 'submerged' under the lap portion and away from the shoulder portion of their seat belts during the collision. Instead of the energy from the crash being spread out primarily over the restraint system, and secondarily over their chests, pelvis and shoulders — the effect of properly designed and anchored seat belts — the energy from the crash was unloaded and unnecessarily concentrated onto their abdomens and spine. That resulted in multiple, severe and avoidable internal injuries to both boys."



Photo via Joshua and Robin Berry Children's Trust/Facebook

The suit alleges that the minivan "was unreasonably dangerous and defective," and that at the time the minivan left Chrysler's control there were safer alternative designs. It accuses Chrysler of negligence and breach of warranty, and asserts as well that 4Runner driver Doyle was also negligent, acting as the proximate cause of the accident.

### The Berry Family

According to the accident's police report, Doyle was reaching into the backseat at the time of accident. Doyle's wife — 28-year-old Colleen — also died in the crash. He and his baby daughter survived in the 4Runner.

The legal pleading quotes Chrysler senior vice president for quality Doug Betts' remarks in a 2012 newspaper article on the company's past vehicles. "[We] are dragging behind us a pretty poor history," Betts is quoted as saying in the Wall Street Journal in May 2012. "[We] were building cars that were functional, and other than that, they were boxes you got into that hopefully kept the rain off your head."

"Chrysler Group's sympathies remain with the Berry family and friends," Chrysler said in a statement emailed by company spokesman Michael Palese. "This was a violent, high-speed crash with tragic consequences caused by a distracted driver. We note that the 2003 Chrysler Town & Country minivan meets or exceeds all applicable federal safety standards and has an excellent safety record.



Joshua & Robin Berry Children's Trust/Facebook

Aaron, from left, Willa and Peter Berry this February

"As Chrysler Group has not been served with this lawsuit, and has not had an opportunity to study what it alleges, it would be inappropriate to comment further at this time."