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Chrysler sued in Berry family wreck

By Susan Carroll

Relatives of a Houston couple killed in a collision that also paralyzed two of their children filed a federal lawsuit against Chrysler, the maker of the family's minivan, and the other driver involved in the collision.

The lawsuit filed Monday in U.S. District Court in Houston says that design flaws in Josh and Robin Berry's 2003 Chrysler Town & Country minivan contributed to their deaths and the paraplegia of their sons, Aaron, 8, and Peter, 9. The couple's daughter, Willa, 6, was in a booster seat and survived the July 2 collision on U.S. 285, a two-lane highway in West Texas.

The Berry family also sued Mike S. Doyle, who was driving a 2003 Toyota 4Runner with his wife and infant daughter when authorities said he swerved into oncoming traffic. Doyle's wife, Colleen Doyle, 28, also died in the accident.

'A tragic, tragic case'

Houston attorney Richard Mithoff, who represents the Berry family,

said if their minivan had been properly designed, Josh and Robin Berry "in all likelihood" would still be alive, and their boys would not have suffered debilitating injuries that have confined them to wheelchairs.

"This is a tragic, tragic case that has captured the attention of and frankly an outpouring of love from many people," Mithoff said. "We are hopeful this case can help improve the design of these vehicles."

The lawsuit alleged the Berry's minivan lacked an adequately designed "safety cage," a rigid steel structure that protects occupants in a collision. The front end of the vehicle also did not have properly designed "crush zones" to absorb the impact of the wreck, the lawsuit states. The lawsuit also alleges that design defects in the seat belts and seat backs contributed to the Berry boys' serious internal and spinal cord injuries.

Chrysler spokesman Michael Palese issued a statement on Monday saying that "Chrysler Group's sympathies remain with the Berry family and friends."

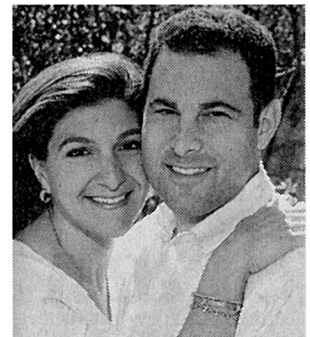
"This was a vio-

lent crash with tragic outcomes caused by a distracted driver," the statement said. "The 2003 Chrysler Town & Country minivan meets or exceeds all applicable federal safety standards and has an excellent safety record. 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."

Doyle was distracted and reaching in the backseat of the car at the time of the collision, Texas state troopers said. He could not be reached for comment, and no attorney was listed for him in court records.

Mithoff said all five members of the Berry family were wearing their seat belts. He said the Berry children watched as their parents were cut from the wreckage, but died of their injuries.

"This was a collision at highway speeds," Mithoff said. "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



Family photo

Robin and Josh Berry were killed in an auto accident in West Texas on July 2, 2011.

the seat back and seat belts causing catastrophic injury."

National attention

The Berry family's loss and recovery have attracted national media attention and support from friends, relatives and strangers, including fundraising help from Justin Bieber and Britney Spears.

The three orphaned children went to live with their aunt and uncle, who filed the lawsuit on their behalf, along with Robin Berry's mother.

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