

## Chrysler Sued Over Accident That Killed Parents, Injured Kids

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05-21-2012



Richard Mithoff of  
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Administrators of the estates of Joshua Bryant Berry and Robin Perlo Berry, who were killed in an accident in West Texas on July 2, 2011, and the guardian of the Houston's couple's three children have filed a strict liability, negligence and breach of warranty suit against Chrysler Group LLC and Chrysler Canada Inc.

The accident gained national attention after a number of celebrities, including Justin Bieber, assisted in fundraising for the Berry children.



Joe Ahmad, a shareholder in  
Houston's Ahmad,  
Zavitsanos & Anaipakos

The May 14 complaint was filed by Matthew Berry, guardian of the three Berry children and administrator of Joshua Berry's estate; and Sue G. Perlo, administrator of Robin Berry's estate. Matthew Berry is Joshua Berry's brother, and Perlo is Robin Berry's mother.

All three children were injured in the accident, but the couple's two sons sustained "permanent paraplegia," the plaintiffs allege in the complaint. The children live in Houston with Matthew Berry and his family.

In *Matthew Berry, et al. v. Chrysler Group LLC, et al.*, filed in the U.S. District Court for the Southern District of Texas in Houston, the plaintiffs also bring a negligence cause of action against Mike Scott Doyle, the driver of the Toyota 4Runner that allegedly veered across the road and collided with the Berry family's 2003 Chrysler Town & Country minivan.

The plaintiffs allege in the complaint that the "structural safety cage" of the minivan "failed structurally," crushing Robin Berry, the driver, and Joshua Berry, the front-seat passenger. The plaintiffs also allege the rear seat restraint system "failed to provide adequate restraint and actually increased risk of serious injury to these children."

Richard Mithoff, an attorney for the plaintiffs, says, "This case is a little unusual in that it directly addresses those children that are large enough not to be using an infant seat or a booster seat

anymore, but still smaller than adults. We think that's a very vulnerable age and size."

The plaintiffs seek unspecified actual damages from the defendants, along with prejudgment and post-judgment interest and other relief.

Mithoff, of the Mithoff Law Firm of Houston, says he cannot estimate damages but says the lifetime care of the children will "run into the millions of dollars." He says, "It's obviously a very substantial case. The two young boys are paralyzed from the waist down, and all three of the children, of course, lost their parents."

In a response, Michael Palese, a spokesman for both Chrysler entities, writes: "Chrysler Group's sympathies remain with the Berry family and friends. . . . We note that 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."

Phil Summers, a member in Lorange & Thompson of Houston who represents Doyle, did not return two telephone messages.

While Mithoff represents all of the plaintiffs, Joseph Ahmad, a shareholder in Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing of Houston, also represents Perlo.

"When Sue told me the Berrys had hired Richard, my recommendation was to join forces as much as possible," Ahmad says.

"The main concern for Sue, and I believe everybody else, is to make sure the kids' expenses are going to be taken care of," Ahmad says.  
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