

LEGAL/PRIVACY

Porsche cleared of wrongdoing in Paul Walker's death in first lawsuit

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Porsche Carrera GT

By FORREST CARDAMENIS

German automaker Porsche is not responsible for the death of actor Paul Walker, according to the federal judge who ruled on the case.

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Mr. Walker and his friend and driver Roger Rodas were killed in a 2005 Carrera GT in a single vehicle collision, which subsequently led to three wrongful death suits over perceived mechanical and engineering failures. While two more wrongful suits still await a ruling, the first decision will help clear the automaker's name and reputation.

"Porsche buyers are knowledgeable, sophisticated automobile buyers who know that a sports car that is capable of high speeds can be dangerous," said Al Ries, founder and chairman of **Ries & Ries**, a Roswell, GA-based marketing strategy consultancy. "Someone driving a Porsche at 90 miles an hour can be dead in an instant by just a slight turn of the steering wheel, so I don't think these law suits are going to hurt Porsche."

Legal dispute

On Nov. 30, 2013, Mr. Walker, co-star of the popular street racing action "The Fast and the Furious" franchise, and Mr. Rodas were en route to an event for Mr. Walker's charity Reach Out Worldwide to benefit victims of Typhoon Haiyan. The Porsche, driven by Mr. Rodas, crashed into a concrete lamppost and two trees, catching fire in the process and killing both occupants.

Police ruled that the crash occurred when the vehicle was traveling between 80 and 93 mph in a 45 mph zone. No drugs or alcohol were found to be involved and no hints of technical failure were found.



Porsche Mission E

Later investigations cited the speed of the car and old tires as the cause of the crash. However, Mr. Rodas' widow and Mr. Walker's father and daughter all filed wrongful death suits.

In response, Porsche said that the vehicle had been "abused and altered" and "misused and improperly maintained" and that "the perils, risk and danger were open and obvious and known to him, and he chose to conduct himself in a manner so as to expose himself to such perils, dangers and risks, thus assuming all the risks involved in using the vehicle."

Ruling on the suit filed by Ms. Rodas, the judge wrote, "Plaintiff has provided no competent evidence that Rodas's death occurred as a result of any wrongdoing on the part of defendant" in his judgment at the Los Angeles superior court.

Ms. Rodas had cited a weak crash cage, an inability to cope with side impact, a compromised fuel cell and a failed suspension. The judge ruled that Mr. Rodas died after colliding with Mr. Walker, not the crash cage; that the crash occurred head-on rather than from the side; that fire was not the cause of death and that no evidence suggested a faulty suspension.

While one suit has been dismissed, this does not mean that Porsche is cleared of wrongdoing, as the other suits cite other potential mechanical failings. Meadow Walker, Mr. Walker's daughter, contends a lowered speed, irresponsible engineering in equipping the vehicle with an engine capable of reaching 205 mph and a seat-belt flaw.

Given the popularity of the actor, a ruling that Porsche is at fault could deliver a powerful blow to the brand's reputation. However, it is expected that the automaker will be cleared of all wrongdoing.

"A Porsche buyer thinks he or she knows more about automobiles and safety than the average citizen who sits on a jury," Mr. Ries said. "So a guilty verdict will make the buyer think the jury is wrong, not Porsche."

Precautionary measures

Other Volkswagen-owned brands have been found of measurable wrongdoing, but even then, the effect was minimal.

The emissions scandal at Audi's parent company Volkswagen appear to have left the automaker's sales largely untouched, with the brand increasing its deliveries 6.8 percent in September after the scandal broke.

It was Audi's best ever September in Europe, with almost 80,000 vehicles delivered, while sales in the Americas rose 11.9 percent. Whether or not Audi's sales will be impacted now that the extent of Volkswagen's deception is clear remains to be seen ([see story](#)).

In general, Porsche tends to preempt any disasters that could result from insufficient engineering.

In late March, the brand issued a voluntary safety recall for its Cayenne models from 2011 to 2016, getting ahead of potential problems.

The recall is to inspect the pedal bracket, since there is a possibility the clip has become dislodged from the part. The recall affects 409,477 models worldwide ([see story](#)).

"In 2014, 32,675 people died in highway accidents in America, and it's estimated that this number has gone up 8.1 percent in 2015," Mr. Ries said. "It's obvious that the automobile industry in America would be bankrupt if even a tiny percentage of these accidents result in a successful lawsuit, so every automobile company is prepared to spend enormous sums to defend themselves in any lawsuit.

"It's not easy to win one of these lawsuits," he said. There are too many factors to consider. The weather, the road, the traffic, etc.

"I don't think the other two lawsuits in this situation are going to be successful either. The defendant is going to blame '90 miles an hour' as the key factor in the deaths of the two men."