

Melton Family Commends NHTSA Probe into GM Cobalt Recall

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Ken and Beth Melton, parents of a 29-year-old Georgia woman who died in crash linked to an ignition switch defect, praised the National Highway Traffic Safety Administration for opening a Timeliness Query into General Motors' recall of the Cobalt and six other affected models.

The Melton family and their attorney, Lance Cooper of the Cooper Firm, located in Marietta, Ga., had petitioned NHTSA to investigate whether GM violated the law by waiting more than five days after discovering a defect to report it to the agency.

"We're hopeful GM will tell the whole story," Cooper said. "So far, GM has dribbled out information which, based on evidence in our case, shows that they are yet to be fully forthcoming with NHTSA about their knowledge and the scope of the defect. We're also hopeful that out of this significant failure will come lasting changes to NHTSA's investigation processes and enforcement activities."

Ken and Beth Melton of Cobb County, Ga., said that they were relieved that the federal government is opening an investigation, and echoed that hope that GM will cooperate fully and disclose all the crashes, complaints and fatalities tied to the faulty ignition switch.

"In the beginning, it seems like the problem was totally ignored and denied," says Ken Melton. "We've been pursuing action for going on four years, and we are just now getting responses back from the correct people. Our primary concern is: this is an inexpensive car that is popular with younger people. We hope the results of this investigation will keep other parents from going through what we went through."

"I'm happy the investigation is being opened and hope all the information comes out, so that the public understands how dangerous this situation is," adds Beth Melton. "The higher the number of deaths and injuries, the more seriously people will take this issue, and more people will be saved."

Brooke Melton, 29, died in 2010 when the ignition module of her 2005 Cobalt slipped into the accessory position as she drove along Highway 92 in Paulding County, Ga. Melton's Cobalt skidded into another vehicle, and Melton died of her injuries in the crash. The incident was initially attributed to Melton losing control of her car on a rainy night. An investigation showed that Melton's vehicle was actually equipped with a defective ignition module that would travel out of the run position. These shifts occur while the vehicle is underway, creating an emergency situation that incidentally turns off the airbags at the same time it is cutting off the engine power, anti-lock brakes and power steering.

The Melton family sought Cooper's counsel after facing a legal claim from the driver in the other vehicle. During the 18-month discovery phase of the trial, GM produced documents showing that

GM engineers discovered the ignition switch problem during the Cobalt's production stage, but took the vehicle market without remedying the problem. Instead, GM issued Technical Service Bulletins in October 2005 covering the 2005 Cobalt, and again in 2006, covering later model years of the Cobalt, the Pontiac G5, the 2006-2007 Chevrolet HHR, the 2005-2006 Pontiac Pursuit in Canada; the 2006-2007 Pontiac Solstice; 2003-2007 Saturn Ion; and 2007 Saturn Sky. The fix-- an ignition key cover that changed the design from a slot to a key hole -- did not solve the problem.

The Meltons settled their case against GM in late September. They were moved to request a NHTSA investigation to alert the public to the dangers of the defective ignition switch.

In late January, GM reported the defect to NHTSA and announced a recall of 2005-2007 Cobalt and Pontiac G5 vehicles. In a press release, GM acknowledged six deaths tied to the defect. The automaker did not mention these deaths to NHTSA in its official Defect and Noncompliance Notice – a regulatory requirement. On Feb. 18, the Melton family requested that NHTSA open a TQ. A week later, GM widened the recall to include all models affected by the defect and announced that 13 deaths and 31 crashes were linked to the problem. Its amended Defect Notice contained a chronology of its actions related to the faulty ignition switch since 2004. GM neglected to say when it learned of the 13 deaths.

Cooper said that failure is among several big gaps in GM's report to NHTSA.

“They don't talk about when they learned of these fatalities, but our case shows they knew of them well before 2014,” he added. “If there is ever a case that warranted civil and potential criminal penalties, it's this case. And, if and when GM tells the whole story, NHTSA will recognize this as well.”