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September 24, 2025

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After two verdicts over a billion dollars each, Ford settles another ‘super duty’ pickup truck roof crush case in Oregon handled by Butler Prather

Ford Motor Company has settled a third lawsuit filed against it by the Butler Prather firm involving deaths and injuries resulting from the weak roofs on Ford’s 1999-2016 “super duty” pickup trucks.

The most recent settlement came on Friday, September 19, 2025 in the case of *Juan & Kris Yraguen v. Ford*, pending in federal court in Eugene, Oregon before the Hon. Ann Aiken, Senior Judge. Mr. Yraguen was made an incomplete quadriplegic when his 2008 Ford F350 rolled over after sliding off the road as a result of black ice while Mr. Yraguen was crossing the Cascade Mountains in Oregon. The wreck happened on May 11, 2022.

Very recently Ford settled two other Butler Prather cases – *Hill v. Ford* and *Brogdon (Mills) v. Ford*. Both those cases, which had resulted in jury verdicts of \$1.7 billion and \$2.5 billion respectively, settled on August 15, 2025.

The amount of each settlement is confidential.

Background

The *Hill v. Ford* lawsuit was filed in December 2014, after Melvin and Voncille Hill were both killed when *their red Ford F250* rolled over 2 ½ times after a tire blew out. The *Hill* case was tried twice. The case was tried for the first time for three weeks in April 2018 before Ford deliberately provoked a mistrial in an attempt to avoid the verdict. Ford’s willful misconduct resulted in an issue preclusion sanctions order. The case was tried a second time, resulting in an August 19, 2022 punitive damages verdict of \$1.7 Billion. The Court of Appeals reversed that judgment, *holding that the only remedy a trial court has when a party*

deliberately causes a mistrial in order to escape a verdict is to grant the mistrial the miscreant sought. The Supreme Court of Georgia refused to review that Court of Appeals holding, by a 6-1 vote (Justice Ellington dissented, while Justices Peterson and Land did not participate in the decision). Hon. Shawn Bratton had presided over the first *Hill* trial, and Senior Judge Joseph Iannazzone had presided over the second *Hill* trial.

The wreck that resulted in the deaths of both Herman and Debra Mills happened on August 22, 2025 – three days after the *Hill* verdict. The Mills were killed when *their red Ford F250* ran off the road for unknown reasons and its roof crushed after one half roll. Butler Prather LLP filed that lawsuit in federal court in Columbus, GA on May 23, 2023. The case was tried for ten days resulting in a punitive damages verdict on February 14, 2025 in the amount of \$2.5 Billion. The *Brogdon/Mills* case was tried before Hon. Clay D. Land.

In *Brogdon/Mills v. Ford*, Ford filed, on March 14, 2025, a motion for new trial. In its new trial motion, Ford accused the jurors of jury misconduct. Ford claimed that when deliberating about the amount of punitive damages the *Brogdon/Mills* jurors had discussed *the amount of* the punitive damages award in the *Hill* case. Ford filed the sworn declarations of one of its lawyers and of an “investigator” it hired, Richard Hyde, making that accusation. However, at a status conference on July 24, Judge Land ordered Ford to produce to the Court and Plaintiffs the recordings of Ford’s post-trial interrogations of jurors and transcripts of those recordings within seven days. When Ford did so, it was proved that the juror upon whose supposed statements Ford principally relied *had in fact told Ford’s lawyer three times that the jury did not discuss the amount of the Hill verdict.* The transcripts also showed that two other jurors had told Ford’s “investigator” Hyde the jury did not discuss the amount of the *Hill* verdict. Hyde’s interviews of those two jurors had been transcribed by Court reporters on March 10, 2025 – four days before Ford and its lawyers filed their motion for new trial. When Ford filed that motion for new trial Ford concealed from Judge Land the fact that these jurors had told Ford’s lawyer and had told Hyde the very opposite of what Ford and its lawyers represented to the Court in their motion for new trial.

On August 13, 2025, Plaintiffs filed, in *Brogdon/Mills*, their response to Ford’s Court-forced disclosure of Ford’s interrogation of jurors. *See* Doc. 414, attached. On August 15, Ford settled both the *Hill* case and the *Brogdon/Mills* case.

In *Brogdon/Mills v. Ford*, Plaintiffs were represented by Jim Butler, Ramsey Prather, Dan Philyaw, and Allison Brennan Bailey of the Butler Prather law firm (Atlanta, Columbus, and Savannah, Georgia); LaRae Moore of Page Scrantom Sprouse Tucker & Ford, Columbus, Georgia; and Frank Lowrey and Mike Terry of Bondurant, Mixson & Elmore, Atlanta, Georgia. Ford was represented by Charlie Peeler & Harold Melton of Troutman Pepper, Atlanta, Georgia; Michael Boorman & Philip Henderson of Watson Spence, Atlanta, Georgia; Paul Malek of Huie, Fernambucq & Stewart, Birmingham, Alabama; Michael W. Eady of Thompson Coe Cousins & Irons, Austin, Texas; and Elizabeth Wright, of Thompson Hine, Cleveland, Ohio.

In *Hill v. Ford*, Plaintiffs were represented by Jim Butler, Ramsey Prather, and Dan Philyaw of the Butler Prather law firm (Atlanta, Columbus, and Savannah, Georgia); Gerald Davidson, Jr. of Mahaffey Pickens & Tucker LLP, Lawrenceville, Georgia, and Mike Terry and Frank Lowrey of Bondurant, Mixson, & Elmore, Atlanta, Georgia. Ford was represented by Alan Thomas and Paul Malek of Huie Fernambucq & Stewart, Birmingham, Alabama; Michael Boorman and Philip Henderson of Watson Spence, Atlanta, Georgia; J. Randolph Evans of Squire Patton Boggs, Atlanta, Georgia; and Michael Eady of Thompson, Coe, Cousins, & Irons, Austin, Texas.

Juan & Kris Yraguen's case

Before the May 11, 2022 wreck, Plaintiff Juan Yraguen was the thriving President and CEO of Basco Logging, a generations-old family business in Sutherlin, Oregon. Mr. Yraguen was a devoted husband, dedicated father of three, and an outdoor sports enthusiast. He was also an active member of his community, serving as the president of two local community organizations.

Plaintiff Kris Yraguen, who has been married to Mr. Yraguen for 36 years, was also a critical part of Basco Logging. Mrs. Yraguen, a CPA, served as Basco Logging's Controller. Mrs. Yraguen enjoyed ballroom dancing with Mr. Yraguen, hiking, and going to Oregon State University football games. Mrs. Yraguen was also active in her church, hosting church groups and Bible study sessions at their family home.

That all came crashing down on May 11, 2022. That morning, Mr. Yraguen was driving his 2008 Ford F-350 'super duty' truck to a cousin's funeral in Idaho.

He was driving below the speed limit. He was properly belted. On a straight, flat section of highway, Mr. Yraguen's Ford F-350 encountered black ice while crossing the Cascade Mountains. The truck slid off the left side of the road, traveled down the sloped dirt shoulder, and then rolled two times, landing on its tires. Plaintiffs' and Ford's accident reconstruction experts agree the truck was traveling less than 30 miles per hour at the time the truck "tripped" and began to roll. During the wreck, the roof of the 'super duty' truck crushed down in a dramatic "V" shape over the driver's side of the cab. The roof crush broke Mr. Yraguen's neck, turning him into an incomplete quadriplegic. He now requires assistance with all basic activities of daily living. His beloved wife, Kris, is his primary caregiver.

The toll this roof crush has exacted on the Yraguens, their family, and their business borders the unimaginable. The couple attends an endless cycle of medical appointments, which has resulted in literally millions of dollars of medical bills and likely millions more in future medical bills. With its key employee, Mr. Yraguen, unable to fulfill his duties, the Yraguen family has been forced to wind down their 70-year-old family business.

Mr. and Mrs. Yraguen have shown remarkable courage and determination in the face of tragedy. Through sheer grit and an intense regimen of physical therapy sessions, Mr. Yraguen (with the assistance of a walker, the help of another person, and with great pain and physical exertion) can now shuffle approximately 20 steps across his home.

Much changed between the August 2022 second trial in the *Hill* case and the February 2025 trial of *Brogdon/Mills*. In February 2024, in the *Yraguen* case and in the *Brogdon/Mills* case, Ford disclosed *for the first time* that in 2015 it had paid for actual rollover crash testing of a 'super duty' truck with a roof *nearly four times stronger* than the roofs used on all 1999-2016 'super duty' trucks. That new roof was designed for the 2017 model year "Super Duty." *Ford had concealed that testing for nine years* – had even concealed it during two trials in *Hill v. Ford*. In both those *Hill* trials, Ford and Ford testifiers presented to the courts and juries its 'diving' argument while concealing the 2015 testing that was entirely inconsistent with that argument. Ford has admitted that a total of 41 lawsuits were filed against Ford involving 'super duty' roof crush wrecks with deaths or injuries *after* that 2015 testing; Ford has refused to identify a single one of those cases in which that testing was revealed prior to the February 2024 disclosure in *Yraguen* and in

Brogdon/Mills. That testing proved much, including (1) that Ford's conduct in finally building a strong roof for these trucks proved Ford does not believe in the "roof strength doesn't matter"/"diving" argument – which was really the only 'defense' argument Ford offered in *Yraguen*, and (2) that Ford well knew how to build a much stronger and safer roof for these trucks.

That 2015 testing was concealed for a reason: it is dispositive, both of the defect issue and of the truth that Ford has long known and recognized the defect and its dangers. A trip through photographs makes the point. See attached:

PX 255 – the results of Ford's 2009 rollover crash testing of a 'super duty' with a roof like that in Mr. Yraguen's truck (and in the Hills' truck and in the Mills' truck). After 2 ½ *rolls*, the roof totally collapsed.

PX 81 & PX 558B – the results of Ford's 2015 rollover crash testing of a 'super duty' truck with a roof nearly four times stronger. After 3 ¾ *rolls* the roof is barely damaged; the windshield was not even broken out.

PX 216 – the results of Mr. and Mrs. Hill's April 3, 2014 rollover – the similarity of the roof collapse to that in Ford's 2009 testing done five years earlier is eerie.¹

PX 47.5 & PX 47.12A – the results of the Mills' wreck; note that the header is collapsed in to a 'V' shape.

PX 45 & PX 437 – the results of Mr. Yraguen's wreck; note that the header is collapsed in to a 'V' shape. (It is a fact that in all the 'super duty' roof crush wrecks thus far known to Plaintiffs' counsel the header collapsed in a 'V' shape in every single one – except those where the header, along with the entire roof, is totally collapsed (as in the Hill wreck and Ford's 2009 testing). In each and every one of the 112 OSIs (other similar incidents) wrecks prepared for presentation in the *Yraguen* case by Plaintiffs' design expert Brian Herbst (who alone has worked on more than 40 'super duty' roof crush cases), the header collapsed just like it did in Mr. Yraguen's truck.)

Ford's Liability for the Yraguens' Injuries

Ford was responsible for Mr. Yraguen's injuries. For a description of Ford's conduct showing a complete disregard for public safety when designing the roof of

¹ For example, in PX 255 you can see the dummy's hand sticking out from under the roof; in PX 216 that is Mr. Melvin Hill's hand sticking out.

its model year 1999-2016 ‘super duty’ trucks, see Plaintiffs’ Complaint (Doc. 1), Plaintiffs’ Statement of Material Facts in its Opposition to Ford’s Motion for Partial Summary Judgment (Doc. 40 at 6-19), and the associated exhibits for those pleadings in the *Yraguen* case filed on the U.S. federal court PACER electronic filing system.

In the 1990s when Ford initially designed the roofs for model year 1999-2016 ‘super duty’ (F-250, F-350, F-450, and F-550) trucks Ford’s own computer modeling showed that the “Super Duty’s” roof structure did not meet Ford’s internal standards for roof strength. Despite that fact, to cut costs and maximize its profits, in 1996 Ford decreased the thickness of metal components in the “Super Duty’s” roof design and removed some roof structure components from the roof its engineers had designed. In so doing Ford weakened the header – which crushed down into Mr. Yraguen’s occupant space *26 years later*. Thereafter, Ford did no testing to determine the effects of these changes on roof strength. The result: Ford’s ‘super duty’ trucks were sold to Americans with a pitifully weak strength-to-weight ratio (SWR) of 1.1 (a “Good” roof strength rating from IIHS² is 4.0 and anything below 2.5 is considered “Poor”). No car or truck sold in America during the time period since 1999 had a roof that weak; Ford’s own document proved the roofs were the weakest in Ford’s entire fleet of cars and trucks.

In 2005, Ford assembled a team of engineers to design a better, stronger roof in what was called the “Enhanced Roof Strength Project *for Super Duty trucks*” (“ERSP”). In less than 16 months, those engineers designed a roof that was more than four times stronger. Ford could have implemented that roof design into its ‘super duty’ trucks for a cost increase of about \$100 per vehicle. Ford executives elected not to do that – even though the ERSP roof was designed “for Super Duty trucks” and was demonstrably stronger and safer.³ Ford has never even attempted to explain that decision; Ford has never identified any executive to explain that decision, nor brought any executive to the trial of a ‘super duty’ roof crush case.⁴

² IIHS is the liability-insurer funded Institute for Highway Safety, whose standards have replaced, in terms of influence, the weak “standards” promulgated by the National Highway Traffic Safety Administration (“NHTSA”), which is much influenced by automakers.

³ Ford did, however, use a version of the ERSP roof in its *lighter* F-150 trucks, starting in model year 2009 – those roofs were nearly four times as strong as the roofs on the heavier ‘super duty’ trucks.

⁴ In the *Brogdon/Mills* trial, Ford did not allow any Ford employee to set foot in the courtroom – obviously because in both of the *Hill* trials the cross examination of the “corporate representatives” Ford did bring was devastating.

Ford has admitted it sold 5,174,392 ‘super duty’ trucks with the weak roofs, with full knowledge that strong roofs were crucial to protecting occupants in rollovers. The weakness of those roofs was of course well known to Ford. *See, e.g.,* PX 255 – the roof of the ‘super duty’ truck was crushed flat in that 2009 rollover crash testing. Ford never warned anyone of the danger. The need for a stronger roof was then graphically demonstrated when Ford tested a nearly four-times stronger roof in 2015 – the roof was barely damaged. That is the testing Ford concealed for nine years. Ford warned no one of the danger.

Ford was put on notice in at least **294** prior lawsuits and claims that people were being killed, paralyzed, and injured during rollover in Ford’s ‘super duty’ trucks. Those wrecks are the source of the 112 other similar incidents about which Plaintiffs’ experts were prepared to testify at trial.

The collapse of the roof in Mr. Yraguen’s ‘super duty’ truck caused Mr. Yraguen’s injuries. Mr. Yraguen’s treating neurosurgeon, Dr. Raymond Tien of Bend; board certified trauma and flight nurse, Jennifer Wisniewski, who was the second person to arrive at Mr. Yraguen’s truck; and Plaintiffs’ retained experts Dr. Jonathan Eisenstat (former Chief Medical Examiner for the Georgia Bureau of Investigation) and Dr. Mariusz Ziejewski (professor of biomechanics at North Dakota State University) explained how Mr. Yraguen’s injuries were caused by the roof crushing down on his head and neck.

Ford’s only argument in the *Yraguen* case was the “diving” argument it regularly trots out in roof crush cases. Since the design of the roof is utterly inexcusable, Ford’s retained experts (a grouping of the same paid consultants Ford uses in all of its ‘super duty’ cases, including some who have testified for Ford *hundreds* of times and have been paid *tens of millions of dollars* by Ford Motor Company) were peddling the same argument Ford uses in all of its roof crush cases – that roof strength supposedly “does not matter” to occupant safety in rollovers because occupants supposedly “dive” out of their seats and into the roof in the nanoseconds before the roof crushes down on top of them.. This argument is based on “tests” done by in the early 1980s on Chevrolet Malibu cars and 2000-2001 Crown Victoria cars by regular testifying experts for automakers.

Nobody believes that “diving” argument. When challenged by Plaintiffs’ lead counsel firm, Ford has never been able to identify anyone in the known world *not paid by some automaker* who claims to believe in the “diving” argument, or in the Ford claim that “there is not a causal relationship between the amount of roof

deformation and occupant injury in rollover crashes”⁵ or identify any such person who was written such things.⁶

Ford’s ‘roof crush doesn’t matter’/’diving’ argument has long been rejected by both IIHS and NHTSA. IIHS has long maintained that “increased vehicle roof strength reduces the risk of fatal or incapacitating driver injury” in rollover crashes. NHTSA has repeatedly published information about the link between roof crush and serious injuries, concluding quite emphatically that “[a] stronger roof of a vehicle saves lives and prevents incapacitating injuries in a rollover crash.”

Real Ford body structure engineers don’t believe the ‘roof crush doesn’t matter’/’diving’ argument – *they apparently have not even heard of it.*⁷

In February 2000, Ford sent a team of real Ford roof engineers to Sweden, to visit Volvo – which was then owned by Ford. Volvo has long been a leader in auto safety, including roof safety. Ford sent engineers to Volvo to learn – and Ford never disputed the Volvo position that roof strength is critical.. In August 2001, Volvo engineers repeatedly emphasized to Ford in meeting documents: “decrease deformation significantly to decrease the injury risk” and “there is a relation between the amount of deformation and injury risk.” As Judge Aiken wrote in her Opinion and Order in the *Yraguen* case, the evidence from these meetings “present information sharply at odds” to what Ford will argue. *Yraguen v. Ford*, Doc. 48 at 19.

In 2000, Ford’s *legal department and management reviewed and approved the publication* of a paper by a Ford Ph.D. “crash safety” engineer named Ridha Baccouche which outright states “the crush resistance of roof structures is *critical* to minimizing injuries and enhancing occupant survival during rollover crashes.”

⁵ Those are the words Ford itself uses to articulate its argument – ““there is not a causal relationship between the amount of roof deformation and occupant injury in rollover crashes.”

⁶ Ford did not put on the witness stand, in either *Hill* trial or in the *Brogdon/Mills* trial, a single person who had authored any so-called ‘studies’ or was personally involved in any ‘tests’ to support that argument. *Nor has Ford identified any such person as an expert witness to testify in this trial.* In fact, in the *Brogdon/Mills* trial, Ford did not bring a single person *from Ford* into the courtroom – not even a corporate representative.

⁷ In the *Hill* case Plaintiffs’ counsel took trial depositions on videotape of seven actual Ford engineers – two who were involved in the design of the subject trucks, four from Ford’s own “ERSP” team, and the former “Chief Global Safety Engineer.” None professed to believe in that argument; in fact, on direct, Ford counsel in this case Mr. Malek did not even ask them about that argument. Some of those videotaped depositions were played for the juries in both the *Hill* trial and the *Brogdon/Mills* trial, and would have been played for the jury in the *Yraguen* trial.

PX 50 at 1 (emphasis added).⁸ Plaintiffs' counsel deposed Dr. Baccouche and intended to play that video deposition at trial.⁹

Ford absolutely knew about the dangers of roof crush when making these vehicles. ***The only things Ford did not know were the names of its future victims and how many there would be.***

It is no mystery why Ford has let the havoc continue. Ford has admitted it sold 5,174,392 'super duty' trucks with the weak roofs across the United States. Ford also admits there are approximately 3.8 million 'super duty' trucks still registered in the United States today. There is no 'fix' for the extraordinarily weak roofs. Using a conservative average value of \$10,000, it would cost Ford \$38 billion to buy them all back, plus the cost of disposing of them. Obviously Ford's calculus is that it is cheaper just to settle claims as they are made.

Meanwhile, Ford makes a big show of 'recalling' vehicles for known defects *that have not caused any injuries or deaths.*

In *Yraguen v. Ford*, Plaintiffs were represented by Jim Butler, Ramsey Prather, Dan Phlyaw, and Allison Bailey of the Butler Prather law firm (Atlanta, Columbus, and Savannah, Georgia); Hala Gores of Hala J. Gores, P.C., Portland, Oregon; and, Judy Snyder of The Law Offices of Judy Snyder, Lake Oswego, Oregon. Ford was represented by Nancy Erfle and Laura Polster of Gordon Rees Scully Mansukhani of Portland, Oregon; Vaughn Crawford and Craig Logsdon of Snell & Wilmer LLP in Phoenix, Arizona, and Paul Malek of Huie, Fernambucq and Stewart LLP of Birmingham, Alabama.

⁸ Ford's own Dr. Baccouche cited as references in that article Plaintiffs' experts in this case – Brian Herbst and Steve Meyer. He did not cite anyone who has ever testified about the supposed 'diving' argument.

⁹ The only witness Ford planned to have at trial in *Yraguen* to try to support its 'diving' argument was Elizabeth Raphael, M.D., who moonlights as an ER doctor to try to enhance her credibility as a testifier, and has testified for Ford over 50 times.