

# Products Liability

## LAW REPORTER

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BALANCING THE SCALES  
OF JUSTICE

## Vehicle manufacturer must produce “black box” materials.

*Anderson-Barahona v. General Motors Corp.*, No. 99A19714 (Ga., Cobb County State Ct. Apr. 7, 2000).

A trial court held a vehicle manufacturer must produce the materials required to translate an alphanumeric printout downloaded from a 1997 Chevrolet Cavalier’s sensing and diagnostic module (SDM)—a “black box” device that can record data including a car’s change in velocity.

Here, two occupants were killed and a third injured in a single car collision. The occupant’s families allowed the vehicle manufacturer to inspect the car after the accident. The manufacturer allegedly agreed to share any information the car’s SDM might provide as to the cause of the accident.

Subsequently, the families filed suit against the manufacturer, alleging that the collision was the result of sudden unintended acceleration, and the manufacturer supplied plaintiffs with an alphanumeric printout from the vehicle’s SDM. Plaintiffs filed a discovery request seeking materials developed by the manufacturer for decoding SDM data. Defendant objected to plaintiffs’ request, claiming that (1) the information was proprietary, (2) the request was overly broad and burdensome, and (3) complying with the request would not lead plaintiffs to any admissible evidence. Specifically, defendant claimed that information recorded on this particular SDM did not include vehicle speed, throttle position, or braking information and, thus, would not provide relevant data about the cause of the collision.

The court noted that plaintiffs had allowed defendant to inspect the vehicle. It rejected defendant’s objections and ordered it to produce any documents, programs, or other materials it relies upon to interpret SDM data within 30 days, finding that a confidentiality agreement already existing between the parties would sufficiently protect any proprietary interests. The court also ordered that defendant make an SDM expert available for plaintiffs to depose, after the materials have been produced and reviewed.

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Documents in the *Anderson-Barahona* case are available through the Court Documents section at p. 162, courtesy of plaintiffs’ counsel.