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Man drops suit against Ford in wife's death

Cape May County dentist says air bag killed wife, but automaker claims she was strangled

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A Cape May County dentist dropped a wrongful death lawsuit Friday against Ford Motor Co. that drew national attention when the automaker argued the man's wife was strangled, not killed

by an air bag.

In an appearance in federal court, Dr. Eric Thomas and his lawyers said they were withdrawing the lawsuit on behalf of his late first wife, Tracy Thomas, because it had become too expensive to pursue.

But Ford attorneys and Tracy's family suggested Thomas had other reasons.

Ford lawyer Glenn Zeitz said pursuing the case further would only "widen his risk of criminal exposure."

Already, it was revealed Friday, Cape May County prosecutors have requested the complete file put together by Ford's legal team. Eric Thomas has not been charged with a crime.

Tracy's sister, mean-

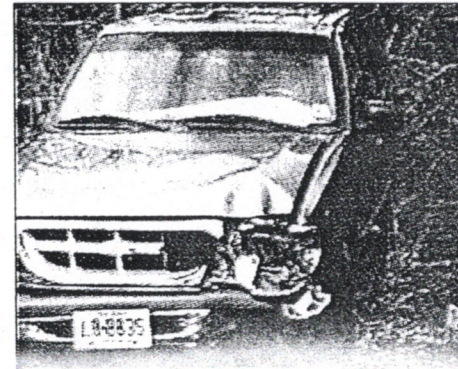
while, said she was stunned by the development. Wendy Rose-Mahdi and her parents had voiced their suspicions of foul play to police and prosecutors.

"They're cutting their losses," said Rose-Mahdi, who lives in Plainfield, Union County.

"The evidence is so heavy against him."

Ford lawyers said Thomas lost his credibility

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Photos courtesy of Detroit News

In 1997, Tracy Thomas swerved her Ford Explorer into a pole to avoid hitting a deer, her husband Eric says. Tracy died, but Eric and baby Alix (pictured in 1996) survived.

Ford/Cape May Co. dentist claims lawsuit was too costly

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as a witness because he was having an affair with his current wife before Tracy Thomas died in the 1997 accident.

Thomas had lied about the relationship in court documents until Ford produced phone records and other receipts proving the liaison.

Thomas sued Ford in February 1999, two years after a car crash killed Tracy, who was pregnant with their second child. He alleged Tracy died from the force of the deploying air bag in their 1996 Ford Explorer.

The accident occurred Feb. 9, 1997, after Tracy and Eric decided to take their 18-month-old daughter, Alix, to the emergency room around 12:30 a.m., Eric told police.

Alix, suffering from a fever and hives, was strapped into a car seat in the back of the sport utility vehicle. Tracy decided to drive, Eric said, even though she had tripped and fallen in the driveway on the way to the car.

On their way down snow-covered Hand Avenue to Burdette Tomlin Memorial Hospital in Cape May Court House, he said, Tracy saw a deer in the road. She swerved to avoid it, causing the Explorer to veer off the road into a utility pole. Upon impact, both



front air bags deployed.

A crash investigation by the National Highway Traffic Safety Administration estimated Tracy was driving 25 to 30 mph.

A motorist who came upon the crash scene shortly before 2 a.m. stopped to help. Tracy was dead in the driver's seat, while Eric was unconscious next to her. Alix was unhurt.

The Cape May County medical examiner ruled Tracy's death an accident, caused by blunt force trauma to the neck with asphyxia. An NHTSA report supported the claim Tracy was killed by the air bag.

Eric Thomas' lawsuit, filed by attorneys Thomas Mellon and Elliot Kolodny, soon became a mass of police reports, legal transcripts, court filings, medical reports and depositions.

Tracy Thomas' family began raising suspicions about the cause of Tracy's death in 1998, when they first reviewed police reports on the accident.

And in March 2000, the relatively mundane product liability lawsuit was transformed into a sensational case involving allegations of murder. That was

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Glenn Zeitz, lawyer for Ford Motor Co.

when Michael Baden, a forensic pathologist from New York who worked on cases including the death of John Belushi, wrote in a report for Ford that Tracy Thomas died from “traumatic compression of the neck at the hands of another.”

Other experts for Ford came to the same conclusion.

Mellon and Kolodny, whose own medical experts stated unequivocally that Tracy's death was air bag-related, tried to get Baden's report excluded. U.S. Magistrate Judge Joel Rosen had not yet ruled on that motion when the case was dropped.

During Friday's 25-minute proceeding in U.S. District Court, Thomas spoke only to indicate he understood the meaning of the dismissal. He declined further comment afterward.

But Carl Poplar, one of his lawyers, said a cost analysis showed it would be in Thomas' best interest to drop the lawsuit.

“This case made no economic sense,” he said.

Poplar estimated the plaintiffs have spent \$250,000 so far and would likely double that to get the case to trial. He also said a jury verdict in Thomas' favor would probably not cover all le-

gal expenses. No trial date had been set.

Poplar said he had a “difficult series of conversations” with Thomas and his current wife, Stephanie, in coming to the decision.

“They were disappointed, absolutely,” Poplar said.

Ford lawyer Zeitz said he did not believe Thomas dropped the suit because of money concerns.

“They realized that there was no way they could win this case,” he said. “They knew they were on the Titanic.”

The lawsuit's dismissal is a source of concern for Rose-Mahdi. She said she believes Cape May County authorities dragged their feet while Ford conducted its investigation.

Since the automaker is no longer involved, Rose-Mahdi said she fears her family may never find out what really happened that night.

The legal battle was viewed by many as a case of David v.

Goliath: a small-town dentist battling for justice against a mammoth corporation with unlimited resources.

But Ford's lead attorney, William Conroy, said that image was “absolute, utter nonsense.” He said Mellon and Kolodny pursued an aggressive case against the automaker without regard for money.

Kolodny, who was also in court Friday, left with Thomas without issuing a statement. Neither Kolodny nor Mellon could be reached at their offices for comment.

Tracy Thomas' family has told authorities in Cape May Court House that Eric Thomas once said of the lawsuit: “If things get out of hand and they ask too many questions, I'm going to drop it.”

“This dismissal was somewhat predicted by Dr. Thomas himself,” Conroy said. “We did ask too many questions. Frankly, we have a lot more.”