



Mercedes-Benz's Anti-Whiplash Headrests at Center of Putative Class Action Lawsuit

"If a headrest shoots out and hits you in the back of the head while you're driving 75 miles an hour on the highway, that could be bad," said attorney Benjamin Widlanski, whose clients filed suit over Mercedes-Benz's Neck-Pro active head restraint.

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By Raychel Lean



Benjamin Widlanski of Kozyak, Tropin & Throckmorton in Coral Gables.

A team of Florida attorneys have launched a putative class action lawsuit against Mercedes-Benz USA LLC, its German manufacturer Daimler AG

and headrest manufacturer Grammer AG, claiming there's a dangerous defect in hundreds of thousands of cars.

The Neck-Pro active head restraint is designed to help Mercedes-Benz drivers avoid whiplash in a crash by springing forward to cradle their head. But the complaint claims those restraints can be dangerously trigger-happy, capable of deploying unexpectedly.

The alleged defect could damage motorists' neck and head and could cause crashes if deployments happen while vehicles are moving, according to lead plaintiffs attorney Benjamin Widlanski of Kozyak Tropin and Throckmorton in Coral Gables.

"The goal of the active head restraints is to catch the head as it's moving back. It's a good goal when it's done correctly," Widlanski said. "We just hope that people can rely on automobile manufacturers to use the appropriate degree of care when selling high-value cars."

The alleged defect stems from a cheap plastic bracket, which acts as a trigger mechanism inside the headrest, according to the lawsuit. It can crack and break under pressure from springs, according to the complaint, which claims the defendants didn't prioritize passenger safety in the "race to innovate."

The headrest can't be reset after the Neck-Pro has deployed, according to Widlanski, who said drivers have to replace them for hundreds of dollars.

Widlanski is handling the case with Harley Tropin, Gail McQuilkin, Rachel Sullivan and Robert Neary of Kozyak, Tropin & Throckmorton in Coral Gables, John Scarola of Searcy Denney Scarola Barnhart & Shipley in West Palm Beach and George Franjola of Gilligan, Gooding, Franjola & Batsel in Ocala.

Corporate spokesperson Donna Boland said Mercedes-Benz USA and Daimler feel the lawsuit is meritless.

"We intend to vigorously defend against it," Boland said. "We stand behind the quality of our products."

Headrest manufacturer Grammer did not respond to a request for comment by deadline. Grammer is also a defendant in a class-action lawsuit against Fiat-Chrysler in California over the same alleged defect, according to the lawsuit.

Eight named plaintiffs in Florida, New York, North Carolina and California fuel the lawsuit, claiming they wouldn't have bought their cars—or would have paid less for them—if they had known about the alleged defect. One of the plaintiffs' headrests deployed spontaneously, according to Widlanski, but she wasn't in the car when it happened.

"We are aware of this happening to people while they were driving," Widlanski said. "Obviously, circumstances are going to differ, but if a headrest shoots out and hits you in the back of the head while you're driving 75 miles an hour on the highway, that could be bad."

The plaintiffs own different Mercedes-Benz models, which include the 2014 C250, the 2010 Mercedes E350, the 2009 R320 and the 2012 E350 Cabriolet. Widlanski says damages could be significant, as he estimates hundreds of thousands of Mercedes-Benz vehicles include Neck-Pro devices.

"We think a recall would be appropriate," Widlanski said. "It's not just a danger to the owners themselves, it's a danger to everybody that's on the road."

The plaintiffs claim Mercedes-Benz learned about the alleged defect through customer complaints but has done nothing to rectify it. The lawsuit says the defendant told the National Highway Transportation Administration that the spontaneous deployment of headrests might happen because of damage to the seat wiring harness, which causes a short-circuit.

U.S. District Judge Rodolfo Ruiz will oversee the case.