

Daily Journal

www.dailyjournal.com

MONDAY, AUGUST 22, 2022

PERSPECTIVE

Car Guys

MLG Attorneys at Law helps clients stand up to the auto industry in product liability cases.

By Shane Nelson

Special to the Daily Journal

Trial attorney Jonathan A. Michaels' longtime fascination with cars started early.

"I literally had a subscription to MotorTrend when I was 13 years old," he explained with a chuckle. "Everything I was reading was about cars, and I became an encyclopedia at a very young age. Then you become a teenager, and you buy a car, and you fix it up, you sell it. Cars were definitely my thing."

By the time Michaels decided to strike out on his own in 2007 to launch Costa Mesa-headquartered MLG Attorneys at Law, he'd already built up a busy practice that focused on cars, representing dealership owners in franchising disputes with the large auto manufacturers.

"It was pretty complex litigation," Michaels recalled. "And the fights were pretty big."

That primary focus on franchising litigation changed in 2014, however, when Gordon and Brenda Hair, a Virginia-based couple, phoned Michaels to ask for help.

"I think they read about us in the Wall Street Journal," Michaels recalled. "And this really nice gentleman says to me, 'We know our son was killed in a car that had an ignition switch problem, and we've been trying to talk to General Motors for quite some time. Do you think you could help us out?'"

The phone conversation that followed outlined the details of a compelling wrongful death suit, according to Michaels, who said at that time in his career he'd never handled anything other than business cases. Despite his lack of experience in the practice area, Michaels wanted to help.

"Honestly, that case changed my life," he said.

In December 2009, the Hairs' 20-year-old son Benjamin was killed instantly when his car slammed



Jonathan A. Michaels | Thomas Kurtz / Special to the Daily Journal

into a tree at 50 mph, according to the complaint Michaels filed in 2014 on the Hairs' behalf. In the suit, Michaels alleged General Motors knew the vehicle the Hairs' son was driving contained a faulty ignition switch that could without warning shift into the off position, disabling the car's power steering, power brakes and airbags. *Gordan Hair v. General Motors LLC*, SACV14-00792 (S.D. Cal., filed May 21, 2014).

"GM also knew that the circumstances surrounding Ben's accident – the sudden loss of control of the vehicle for no reason, the absence of skid marks as the vehicle left the road, the nondeployment of airbags – were patterns that it had seen in other vehicles with the defective ignition switch," the complaint reads. "Yet it also concealed this information."

The case ultimately settled confidentially, according to Michaels, who said he was able to get "a great result for the family."

"They took every hot cent they got in that resolution and they built a 20,000-square-foot swim center, and they donated all of it for the interest of the community to help young people become swimmers," Michaels continued, explaining that the Hair's son Benjamin was a professional swimmer and an Olympic hopeful.

"It just absolutely stopped me in my tracks – really – and I said to myself, 'Wow, we caused that.' It was the craziest thing in the world that we're responsible for that community swim center being there," Michaels recalled, chuckling again. "And I said, 'I think this is my calling. I know cars, I grew up around cars, and I really want to be in the area of helping consumers, helping them get justice. Seeing how this family had been completely disregarded by General Motors for years with the death of their son and the impact we had not only on the family but on the community – it was my calling.'"

MLG Attorneys at Law is now home for seven attorneys with satellite locations in Los Angeles, San Francisco, San Diego and Sacramento, and the plaintiffs' boutique focuses almost exclusively today on catastrophic injury and wrongful death cases resulting from automotive defects.

Senior Trial Attorney Christopher D. Henderson joined the firm in 2019 after substantial time in the intellectual property patent space, a stretch that also included launching a technology company. Henderson said his technical background fits terrifically with the auto

defect focus of the firm, and the chance to help clients suffering through such tremendous difficulties has been transformative.

"There's a great deal of trust these clients have for someone that does the work we do," Henderson said. "They're looking for someone to help right a world that's been turned upside down through catastrophic injury. ... It's exciting and very gratifying to see that the work I can do daily can really make a difference in somebody's life that really needs it, and at the same time, make the world a little safer."

Detroit, Mich. defense attorney James P. Freeney has opposed Michaels on a number of occasions and tried an auto defect case against him in Orange County last spring. Freeney described Michaels as a formidable adversary who is very passionate.

"He believes very strongly in his client's position and doing everything possible to achieve a favorable outcome for his client," Freeney said. "And he's very good at presenting what he believes is important to a jury in a succinct, uncomplicated way. And that's critical because in automotive product liability trials and cases, things can get very complicated very quickly."

Although Michaels was clear that opposing auto manufacturing giants on behalf of clients whose lives have been so heart wrenchingly altered is especially gratifying work, he was quick to note that it also comes with substantial challenges.

"On paper, we should just get killed every single time. You're up against a company that's got \$240 billion in unlimited resources," Michaels said. "So you have to focus on your strengths, and you've got to be more agile, more nimble. You've got to get up a little earlier or stay a little longer. But if you can survive that storm and beat them with strategy and wit, man it makes you feel like you're 10 feet tall and bulletproof."