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Family sues over bicycle accident Lawsuit says Wal-Mart sold faulty bikes

By [Sarah K. Winn](#)

Staff writer

Roxanne Berry lives just across the road from Southridge Centre and Wal-Mart — a store that she says sold her 10-year-old son a defective bicycle, leading to a potentially serious accident.

“I want to get these bikes off the market,” she said. “With Christmas coming up, people are going to be buying these bikes and Wal-Mart still sells them.”

With the help of a group called Stop Hurting Our Kids, 10 families nationwide, including the Berrys, are taking on the retail giant to make them stop selling the bicycles.

Berry, along with parents from Louisiana, Georgia, Illinois and California, is suing Wal-Mart, Dynacraft Industries, the bicycle manufacturer, and Carl Warren & Co., which handles the bicycle accident claims for Dynacraft.

The families allege that Wal-Mart sold and continues to sell NEXT brand bicycles, even though it knows they have a “dangerous and defective” front wheel quick release mechanism, according to the lawsuit filed in California Superior Court.

Some of the plaintiffs, including Berry, allege they were forced to sign settlement agreements after the defendants led them to believe that the accidents were isolated incidents.

Wal-Mart officials did not return calls seeking comment on Wednesday.

Freddy Berry’s story is much like the other stories in the lawsuit.

On Oct. 13, 2000, Freddy, then 10 years old, was headed to a friend’s house on his week-old bike, a NEXT Ultra Shock bought at the Southridge Wal-Mart. The front wheel came off, sending Freddy over the handlebars and into the pavement, Berry said.

The mother of Freddy’s friend brought Berry her son within five minutes of the accident, she said. Berry took her son to Thomas Memorial Hospital in South Charleston, where he was treated for severe cuts, a broken nose and bruises to his face and shoulder, she said.

"He was just out of it," she said. "It kinda knocked him silly."

Freddy, now a 15-year-old sophomore at George Washington High School, has a small scar under his nose, she said.

After the accident, Berry's husband took the bike back to Wal-Mart, she said. The store wanted to keep the bicycle, but her husband refused to give it to them, she said.

Because of Freddy's medical bills, Berry settled with Dynacraft for medical bills only. But, she was misled, she said.

"I asked if there were problems with these bikes," she said. "They told me no ... I could take the settlement or nothing. I didn't want to have to pay all these medical bills."

If she would have known about the bicycles, she wouldn't have settled, she said.

With the help of Mark Webb, a San Francisco lawyer, Berry found out that she was not the only one with such problems, she said.

And now, she is out to tell consumers about the dangers of purchasing these kind of bikes from Wal-Mart, which continues to sell them, she said.

She said she wants to make people aware of what they're buying and purchasing and whom they're buying it from.

"Make sure the person who is selling the bike knows what they are doing," she said. "And get an owner's manual."

The parents are suing for civil conspiracy, fraud, product liability, negligent infliction of emotional distress, negligence and conscious disregard to safety and breach of warranty. The suit is seeking general, special and punitive damages and is scheduled to go before a California jury in late December.

Even with the pending lawsuit, Berry admits that she still shops at Wal-Mart, mostly for convenience. But, she will never buy one thing from the store again.

"No more Wal-Mart bikes," she said.

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On the Web: Stop Hurting Our Kids: www.shokbikes.org/