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Trial begins in bicycle safety suit

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Jurors in a personal injury civil trial were presented with a host of questions Monday about the safety of bikes sold by Wal-Mart Stores Inc.

Mark Webb, the attorney for nine plaintiffs, said in Marin Superior Court that his clients were injured when the front wheels of their bikes fell off while in use. He blamed a quick-release feature for the crashes and said Wal-Mart and the other companies named in the lawsuit have chosen to ignore the fact that many accidents have occurred.

Lawyers for Wal-Mart and Dynacraft Industries Inc. of San Rafael questioned whether the wheels had fallen off due to rider error, parent negligence or because bicycle riding is just plain risky. A Wal-Mart attorney said the company has been responsive to families that file claims about bicycle mishaps and has kept records of each claim reported.

In the trial, Webb will try to prove that Wal-Mart - the largest retailer of bikes in the country - and Dynacraft knew the bikes had a defect that could cause the front wheel to fall off while in use.

In his opening statement, Webb said 118 families had notified Wal-Mart after their children were injured in accidents over a period of several years. He said parents were typically given a toll-free number for Dynacraft, which processed the claims through its insurance administrator, Carl Warren & Co., also a defendant.

"There is evidence in these cases that the accidents happened over and over again," Webb said. "They don't care - Wal-Mart's response to them is 'It's not our problem.'"

Quick-release wheels are a convenience for racers, who can change tires quickly, and for cyclists who want their bikes to be compact enough to pack into cars. They have been available with safety features that keep the bikes intact when in use.

Webb claimed that Wal-Mart sold inferior products and made no effort to

recall them, put warnings on them or stop selling them.

Some of the families settled claims with Warren because they believed the incidents were isolated. Webb said the defendants conspired to give customers the impression that such accidents were unusual.

Wal-Mart and Dynacraft have said that there is nothing wrong with the bikes, Webb said. He said the children have suffered severe injuries to the face and body, have lost teeth, and that some have brain injuries.

Joanne Early, an attorney for Dynacraft, told jurors that the quick-release lever is used in millions of bikes and that it can be a safety device.

"The quick-release lever, when properly adjusted, will not open," said Early, adding that it would come off if it were not properly adjusted according to instructions. She said buyers are given instructions that need to be followed.

"It is their responsibility to read the instructions," Early said, noting that there is a secondary retaining device that holds the wheel on the bikes if the quick-release lever opens.

If a rider jerks the handle bars upward, or goes off a curb, the wheel could come off, Early said. She said expert witnesses could testify as to whether there was an accident before the wheel came off.

Early dismissed statements about kids' school performance sliding due to brain injury after the accidents because of the age of the boys involved.

"Keep in mind, these are adolescent boys," Early said.

Rob Phillips, an attorney for Wal-Mart, said Webb was trying to use buzz words and language to give the impression that there were clandestine meetings among the defendant companies' officials to try to keep word about the "defective" bikes from spreading.

Cheryl Abplanalp, the mother of a boy who was injured in a crash in February 2000, when he was 7, testified that her son was crying and saying: "Mommy, Mommy, I don't want to die," after he was hurled over the handlebars of a bike from Wal-Mart.

She said she went to Wal-Mart the next day and was referred to a toll-free number.

"I felt like I was brushed off and they didn't realize how serious my little boy

was hurt," Abplanalp said. "I believe that the bicycle company and Wal-Mart, who sells the bikes, need to be accountable for this product and they should not be sold to children."

The trial is set to resume Tuesday and is expected to continue through January.