

## VERDICTS & SETTLEMENTS

"The National Law Journal, June 19, 1995"

### Blowout Costs Repair Firm; Tire Maker Not Negligent

**CASE TYPE:** *personal injury*

**CASE:** Peterson V Goodyear Tire & Rubber Co., 90L 15224 (*Cir. Ct., Cook Co., Ill.*)

**PLAINTIFF'S ATTORNEYS:** *Charles A. Boyle, of Chicago's Charles A. Boyle and Associates; John C. Cabaniss, of Milwaukee's Cunningham, Lyons & Cabaniss*

**DEFENSE ATTORNEYS:** *Thomas H. Neuckranz and Edward R. Moore, of Chicago's Williams and Montgomery Ltd. for Goodyear; Alan Miller, of Chicago's Kiesler & Berman, for Ress Enterprises Inc.*

**JURY VERDICT:** *\$12.65 million against Ress; defense verdict for Goodyear*

ON MARCH 18, 1989, Mark A. Peterson, a student at Illinois Southern University; was severely injured when the left rear tire of the 1983 Ford Bronco he was riding in blew out. The vehicle rolled over, and Mr. Peterson was ejected. He suffered severe spinal injuries and has been a quadriplegic ever since, said plaintiff's counsel John C. Cabaniss.

The Bronco's left rear tire had been repaired earlier by Army Trail Tire & Service Center, owned by Ress Enterprises Inc. The tire was fixed with a string plug, contrary to industry standards, Mr. Cabaniss said. Mr. Peterson sued Goodyear and Ress Enterprises for negligence. He also filed products liability claims against Ford Motor Co. and Bridge Products Co., the maker of the string plug. These claims were settled before trial, Mr. Cabaniss reported.

In court, "Goodyear said a road hazard caused the tire to fail," Mr. Cabaniss said. The tire company conceded the repair was improper but said it had given Ress "adequate written material specifying proper tire repair procedures," said Goodyear defense attorney Thomas H. Neuckranz. Ress contended that Goodyear had not provided the tire repair franchise with ample information or warning, said Ress attorney Alan Miller.

On May 12, a Chicago jury awarded Mr. Peterson \$12.65 million, all against Ress. The jury returned a defense verdict for Goodyear.