

VERDICTS & SETTLEMENTS

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IMPROPER REPAIR OF AUTOMOBILE TIRE- QUADRIPLEGIC-SETTLEMENT:

Mark Peterson, age 22, was rendered a quadriplegic on March 19, 1988. On that date, he was a passenger in a 1983 Ford Bronco; he and four friends were returning from spring break on South Padre Island, Texas to Illinois State University. As the Bronco was traveling eastbound on Interstate 30 near Hope, Arkansas, the left rear tire suddenly and unexpectedly blew out. The Bronco rolled over, ejecting Mark Peterson.

Mark Peterson contended the left rear tire failed because it was improperly repaired for a puncture by Ress Enterprises, a Goodyear tire center in Carol Stream, Illinois. The tire was repaired with a string plug from the outside. The Rubber Manufacturers Association, a tire industry trade group, recommends that puncture repairs be made from the inside with patches. The string repair used by the Goodyear tire center is dangerous because it can allow air to seep around the plug into the tire carcass. The air then causes separation between the belts and alters the structural integrity of the tire. It is also dangerous to use a string plug because the tire is not removed from the rim and inspected for interior damage.

Plaintiff presented expert testimony that the left rear tire failed because a string plug allowed air to migrate into the tire carcass and cause a belt separation. As the belts were separating, the tire went over an unknown road hazard, which precipitated the final blow out. The defense argued the blow out was solely the result of hitting the road hazard. Ress also argued string plug repairs are common and not dangerous.

Mark Peterson is a complete C5-6 quadriplegic. He has limited use of his arms and no fine motor control in his fingers. He needs 24-hour a day attendant care and must be assisted in transferring, eating, and bowel and bladder programs, as well as other daily activities. The jury found in favor of the plaintiff and awarded substantial damages. Judgment was entered on the verdict against Ress Enterprises.

Peterson v. Ress Enterprises, Inc., Cook County Circuit Court Case No: 90-L-15224, Plaintiff's counsel: John C. Cabaniss of Cunningham, Lyons & Cabaniss, S.C., Milwaukee.