

VERDICTS & SETTLEMENTS

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\$12.65 Million Verdict In Suit Arising From Tire Blow Out

Improper Tire Repair Technique

On March 19, 1989, Mark Peterson, age 22, 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, its fiberglass roof detached and Mark Peterson was ejected.

Suit was brought against Goodyear Tire and Rubber Company and its franchise, Ress Enterprises. Plaintiff contended the left rear tire of the Bronco failed because it was improperly repaired for a puncture by Ress Enterprises, a Goodyear tire center in Carol Stream, Illinois. On October 15, 1988, the tire was repaired with a string plug from the outside. Plaintiff presented expert testimony that the left rear tire of the Bronco failed because the string plug allowed air to migrate into the tire carcass and cause a separation between the belts. As the belts were separating, the tire went over an unknown road hazard, which precipitated the final blow out.

The Rubber Manufacturers Association, a tire industry trade group, recommends that all repairs for tire punctures be made from the inside of the tire with patches. The string plug repair as used by the Goodyear tire center is dangerous because it can allow air to seep around the string plug into the tire carcass. The air can then cause separation between the belts and alter 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 further contended that Goodyear was negligent in its instruction, training and warnings to Ress concerning tire repair procedures.

The defense argued the blow out was solely the result of the road hazard. Ress also argued that string plug repairs are common and not dangerous. Goodyear introduced testimony from Goodyear employees and former Ress employees that it provided Ress with product service bulletins and tire service manuals pertaining to tire repair procedures. Ress denied Goodyear's claims. **Injury:** Mr. Peterson was rendered a C5-6 complete quadriplegic. He has limited use of his arms and no fine motor control in his fingers. Mr. Peterson needs 24-hour a day attendant care to assist in his daily living activities. Evidence presented at trial established that Mr. Peterson needs \$80,000 to \$150,000 a year for his medical and attendant care needs.

Result: The jury awarded a total of \$12,650,000 in damages, \$2,000,000 for loss of normal life, \$2,000,000 for past pain and suffering, \$4,000,000 for future pain and suffering, \$3,000,000 as the present value of future medical and attendant care needs, \$150,000 for past lost earnings, and \$1,500,000 as the present value of future lost earnings. The jury found Ress 30% at fault; Ford 28% at fault; the distributor 20% at fault; the driver 2% at fault, and the company that sold the tires (which had a mismatch between the tire and rim) 20% at fault. The jury did not find Goodyear at fault. Plaintiff entered judgment on the verdict against Ress Enterprises. Ress is responsible for the entire verdict less amounts paid in past settlements. Prior to trial plaintiff settled with Bridge Products, Inc., the distributor of the string plug for \$850,000. Plaintiff contended

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the string plug was defective because it lacked warnings on its packaging for proper tire repair procedures. Plaintiff also settled confidentially with Ford Motor Company. Plaintiff contended the 1983 Ford Bronco was defective because its fiberglass roof was not crashworthy.

Plaintiff's Expert Witnesses: Harold Herzlich, tire engineer, Las Vegas, Nev.; Dr. Edward W. Karnes, human factors, Morrison, Cob.; Stan Runyan, mechanic, Milwaukee, Wis.; Dr. Michael Kaplan, accident reconstruction, Littleton, Colo.

Defendants' Expert Witnesses: Wendall Kegg, tire engineer; James Gardner, tire engineer; Dr. Richard Krenek, human factors expert.

Plaintiff's Attorneys: John C. Cabaniss of Milwaukee, Wisconsin; Charles A. Boyle of Chicago, Ill.

Defendant's Attorneys: Alan Miller of Chicago, Illinois (for Ress Enterprises); Thomas Neukrantz, Chicago, Illinois (for Goodyear Tire & Rubber Co). *Peterson v. Ress Enterprises, Inc.*, No.90 L 15224, (Cook County Circuit Court Chicago, Ill. May 12, 1995)