

**Magno, Gregory (NHTSA)**

---

**From:** Demeter, Kathleen <NHTSA>  
**Sent:** Tuesday, October 30, 2007 1:21 PM  
**To:** Magno, Gregory <NHTSA>  
**Subject:** Accepted: Goodyear wants to visit this week

**From:** [Gillespie, George <NHTSA>](mailto:Gillespie_George@NHTSA)  
**To:** [Magno, Gregory <NHTSA>](mailto:Magno_Gregory@NHTSA)  
**Subject:** FW: Press Release and FAQ for Goodyear Campaign  
**Date:** Friday, November 30, 2007 5:54:50 PM  
**Attachments:** [Microsoft Word - GOODYEAR-FAQ-P215.doc.113007.155044.pdf](#)  
[Goodyear P215 Campaign News Release.pdf](#)

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Greg,

Sim asked me to forward this to you.

George

-----Original Message-----

From: [sford@goodyear.com](mailto:sford@goodyear.com) [<mailto:sford@goodyear.com>]  
Sent: Fri 11/30/2007 4:36 PM  
To: Gillespie, George <NHTSA>  
Subject: Fw: Press Release and FAQ for Goodyear Campaign

George,

Thanks for forwarding this to Greg Magno.....Sim

Sim Ford  
Global Regulations, Standards & Compliance  
Ph: 330-796-3519 Fax: 330-796-6591

----- Forwarded by Sim Ford/NA/GDYR on 11/30/2007 04:35 PM -----

Sim Ford/NA/GDYR

11/30/2007 04:10  
PM

Greg Magno.

To

cc

Subject

Press Release and FAQ for Goodyear  
Campaign

Greg,

Goodyear has announced the Customer Satisfaction Campaign for the P215 private brand tire today. I wanted to forward to you a copy of "FAQs" that we are using here to respond to media inquires. I am also attaching a copy of our press release for your information.

I thought this might be helpful for you also. Let me know if you have any questions. ....Sim

(See attached file:  
Microsoft\_Word\_-\_GOODYEAR-FAQ-P215\_doc\_.113007.155044.pdf)

(See attached file: Goodyear\_P215\_Campaign\_News\_Release.pdf)

Sim Ford  
Global Regulations, Standards & Compliance  
Ph: 330-796-3519 Fax: 330-796-6591

**FAQ**  
**Goodyear Customer Satisfaction Campaign**  
**P215/70R14 Tires**

- Q What tires are involved in this issue?
- A There is only one specific tire involved. Goodyear says it is a P215/70R14 tire that was made for 23 Kelly, Associate brand and private label brand tires, but the majority were sold under the brand names *Big O Custom SBR*, *Douglas Xtra-Trac A/W*, *Kelly Explorer*, *Mohave R/S* and *Republic Ensign*.
- Q Is there a defect in the design or manufacture of this tire?
- A Goodyear conducted an exhaustive analysis and found no design or manufacturing defect was found in the tire.
- Q Goodyear is calling this a customer satisfaction program, but isn't it really a recall?
- A This is not a safety recall in accordance with the Safety Act. Goodyear is conducting a precautionary campaign in response to its internal analysis and early warning data. There are a variety of methods for any manufacturer to address customer satisfaction issues. They include a product service bulletin, a customer satisfaction campaign or even a voluntary recall – depending on the circumstances. Goodyear considers this a customer satisfaction program because no defect has been found. Goodyear decided to go ahead to contact consumers and offer to exchange their tires to ensure they are satisfied with their Goodyear product.
- Q What is the complete list of names this tire was sold under?
- A A complete list of tires is posted on Goodyear's website at [www.goodyear.com](http://www.goodyear.com).
- Q If there is only one tire involved, why are there so many names?
- A Many of these tires were part of Goodyear's private label tire business where one type of tire is made for a number of private label brands.
- Q If Goodyear cannot find a defect, why are they asking consumers to exchange the tires?
- A Goodyear is taking this voluntary action in response to its internal analysis and review of the early warning data it monitors.

(More)

-2-

- Q If Goodyear cannot find a defect, what did they see in the data to prompt them into taking this action?
- A *Direct to Goodyear for answer.*
- Q Have there been any deaths or injuries associated with this tire's failure?
- A There have been a small number of claims involving injuries, unfortunately one of them involving a fatality. Goodyear examined the tire in the accident with a fatality and their forensic analysis indicates the tire failed due to over deflection (running under inflated), not as a result of the design or manufacture of the tire.
- Q Were the claims identified by the early warning data Goodyear tracks and reports to NHTSA as part of the TREAD Act?
- A Yes.
- Q What tire is Goodyear offering in exchange for the tires in the CSP?
- A The Goodyear Regatta II.
- Q Isn't the Regatta II a more expensive tire than the original private label tire?
- A *Direct to Goodyear for answer.*
- Q Where do these tire owners live?
- A *Direct to Goodyear for answer.*
- Q Where was this tire made?
- A Goodyear says the tire involved in the CSP was only made in Uitenhage, South Africa.
- Q When were they made?
- A Between 2003 and 2006.

(More)

-3-

Q Are they still being made?

A No, Goodyear says this specific tire was discontinued a year ago.

Q How many are still in service?

A Goodyear estimates about 400,000.

Q How many tires do you think Goodyear will exchange?

A *(NHTSA comment on historical replacement rates)*

Q How much will this customer satisfaction campaign cost Goodyear?

A *Direct to Goodyear for answer.*

Q Will it cost consumers to exchange these tires?

A *Direct to Goodyear for answer.*

Q What vehicles use these tires?

A Typically they are used on older model mini-vans, compact pick-ups and compact cars.

Q Who sold these tires?

A *Direct to Goodyear for answer.*

Q Will these stores be helping identify customers who bought these tires?

A *Direct to Goodyear for answer.*

Q Where can consumers go to have their tires checked?

A Any Goodyear dealer, Goodyear retail store or their original point of purchase location can help them,

(More)

-4-

- Q When was the last time Goodyear had a customer satisfaction program?
- A Earlier this year Goodyear conducted a customer satisfaction campaign for owners of a tire which had a cosmetic issue appearing in the form of surface cracking in the tire's sidewall.
- Q Which tire was involved?
- A The Eagle RS-A in a specific OE size for the 2004 Nissan Maxima.
- Q How long does the Eagle RS-A CSP run and how many tires has Goodyear exchanged?
- A *Direct to Goodyear for answer.*
- Q What type of information is in the Early Warning Data Goodyear provides to NHTSA?
- A Information on tire adjustments, property damage claims and accidents involving injuries or fatalities.

-0-



## News Release

Corporate Headquarters: 1144 East Market Street, Akron, Ohio 44316-0001

Media Website: [www.GoodyearNewsRoom.com](http://www.GoodyearNewsRoom.com)

**CONTACTS:** Scott Baughman  
330-796-1136

Rob Whitehouse  
330-796-8517

**FOR IMMEDIATE RELEASE**

#23533ti.1107

### **Customer Satisfaction Campaign Notice: Consumers Offered Exchange of Certain P215/70R14 Kelly Brand, Associate Brand and Private Label Tires**

- **Tire names include Douglas, Kelly, Mohave and Republic**
- **No defect found in tire after extensive analysis**

AKRON, Ohio, November 30, 2007 – The Goodyear Tire & Rubber Company is conducting a precautionary customer satisfaction campaign to exchange certain P215/70R14 tires sold under a variety of names in the United States and Canada.

“This precautionary campaign is in response to our internal analysis and review of early warning data we monitor on our tires,” said Sim Ford, manager of Goodyear’s government and customer-compliance. “The company has determined some of these tires have experienced adverse service conditions that have led to a tread separation, and in the interest of customer satisfaction has decided to replace qualifying tires.

“After an exhaustive analysis, no design or manufacturing defect was found in the tire.”

The tires, all in size P215/70R14, were made from 2003 to 2006 under 23 names of Kelly, Associate brand and private label tires including Douglas, Kelly, Mohave and Republic. A complete list of the private label brand names involved in the program can be seen at Goodyear’s website [www.goodyear.com](http://www.goodyear.com).

The replacement tires were sold through a variety of locations. The tires were predominantly made for application on older model compact pickup trucks and minivans which mostly were manufactured in the mid-1990s. Goodyear estimates approximately 400,000 of these tires might still be in use.

(more)

Consumers can have their tires checked at any Goodyear dealer location, or at their original point of purchase. The company will replace these tires with the Goodyear Regatta II, a premium tire with an excellent customer satisfaction history.

“While our analysis of this tire hasn’t found a defect, consumers need to remember that all tires need to be checked regularly and ensure they are properly inflated,” said Ford. “In general, statistics show the vast majority of tire failures are related to tires that are used while under-inflated, overloaded, poorly maintained or have suffered impact damage.”

Goodyear is one of the world’s largest tire companies. The company employs about 70,000 people and manufactures its products in more than 60 facilities in 26 countries around the world. For more information about Goodyear, go to [www.goodyear.com/corporate](http://www.goodyear.com/corporate).

**From:** [sford@goodyear.com](mailto:sford@goodyear.com)  
**To:** [Magno, Gregory <NHTSA>](mailto:Magno, Gregory <NHTSA>)  
**Subject:** tires  
**Date:** Friday, November 16, 2007 11:38:47 AM

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Greg,

I was not sure if you have had time to review the claims data that I sent in for the P215/70R14 tires. I was just curious if you were okay with that information or if you wanted any further info.....

Thanks, Sim

Sim Ford  
Global Regulations, Standards & Compliance  
Ph: 330-796-3519 Fax: 330-796-6591

SALE 2000 (1) Law Enforcement Software

Page 1 of 2

Accident Number 05051356	Agency NCIC No GA0690000	GEORGIA UNIFORM MOTOR VEHICLE ACCIDENT REPORT				County LIBERTY	Date Rec. By DPS
Date 05/25/2005	Day Of Week Sun M T W Th F S	Time 1657	Off. Arrived 1658	Total Number Of: Vehicles Injured Fatalities		1 0 0	Inside City Of MIDWAY

Road Of Occurrence b6b6b6b6b6b6	All In Intersection	Corrected Report Yes <input type="checkbox"/>
<input type="checkbox"/> Interstate 2 <input type="checkbox"/> Lowest St. Rl. 3 <input type="checkbox"/> Co. Road 4 <input type="checkbox"/> City St. With <input type="checkbox"/> Interstate 2 <input type="checkbox"/> Lowest St. Rl. 3 <input type="checkbox"/> Co. Road 4 <input type="checkbox"/> City St. 5 <input type="checkbox"/> Co. Line	Suppl. To Original Yes <input type="checkbox"/>	
Not At The Intersection But 500	<input type="checkbox"/> Miles <input type="checkbox"/> North <input type="checkbox"/> East <input type="checkbox"/> South <input checked="" type="checkbox"/> West <input type="checkbox"/> Feet	
And Continuing in the Direction Check Above The Next Reference Point is MARTIN ROAD	<input type="checkbox"/> Interstate 2 <input type="checkbox"/> Lowest St. Rl. 3 <input type="checkbox"/> Co. Road 4 <input type="checkbox"/> City St. 5 <input type="checkbox"/> Co. Line	

Driver # 1 Last Name First Middle b6b6b6b6	Driver # Last Name First Middle
Address	Address
Ped <input type="checkbox"/>	Ped <input type="checkbox"/>
City State Zip DOB WALTHOURVILLE GA b6b6	City State Zip DOB
Drivers License No. Class State Male Female b6b6b6b6b6 C GA	Drivers License No. Class State Male Female
Posted Speed 45 Insurance Co. POLYMER Policy No. b6b6b6b6b6b6	Posted Speed Insurance Co. Policy No.
Year Make Model Telephone No. 2002 HYUNDAI ACCENT GL 40 b6b6b6b6b6b6	Year Make Model Telephone No.
VIN KMHC645C42Lb6b6b6b6 Vehicle Color BLACK	VIN Vehicle Color
Tag # b6b6b6 State County Year GA LIBERTY 2005	Tag # State County Year
Trailer Tag # State County Year	Trailer Tag # State County Year
<input checked="" type="checkbox"/> Same Owner's Last Name First Middle as Driver	Same Owner's Last Name First Middle as Driver
Address	Address
City State Zip	City State Zip

Removed By MR. BLOUNT	Request <input checked="" type="checkbox"/> List	Removed By	Request List
Alcohol Test 2 Type Results Drug Test 2 Type Results	Alcohol Test Type Results Drug Test Type Results	Alcohol Test Type Results Drug Test Type Results	Alcohol Test Type Results Drug Test Type Results
Driver Condition 1 Direction of Travel 3 Vision Obscured 1 Contributing Factors E 15	Driver Condition of Travel Vision Obscured Contributing Factors	Driver Condition of Travel Vision Obscured Contributing Factors	Driver Condition of Travel Vision Obscured Contributing Factors
Vehicle Condition 2 Vehicle Maneuver 5 Pedestrian Maneuver	Vehicle Condition Vehicle Pedestrian Maneuver	Vehicle Condition Vehicle Pedestrian Maneuver	Vehicle Condition Vehicle Pedestrian Maneuver
Most Harmful Event 29 Vehicle Class 1 Vehicle Type 1	Most Harmful Event Vehicle Class Vehicle Type	Most Harmful Event Vehicle Class Vehicle Type	Most Harmful Event Vehicle Class Vehicle Type
Traffic Control 7 Device Inoperative? N	Traffic Control Device Inoperative?	Traffic Control Device Inoperative?	Traffic Control Device Inoperative?

Injured Taken To	By:
EMS Notified Time EMS Arrival Time Hospital Arrival Time	Photos Taken: [Signature]
Reported By: JOHN GARCIA Department: LIBERTY COUNTY SO	Report Date: 05/25/2005 Checked By: LT. H. W. CHAPMAN
Witness(es) Name: Address:	Date Checked: 05/25/2005 State: Zip Code: Telephone:

DPS MICROFILM NUMBER (DO NOT WRITE IN THIS SPACE)

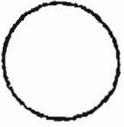
COMMERCIAL VEHICLES ONLY							
Carrier Name	Vehicle #	Address	City	State	Zip	Carrier Name	Vehicle #
Number of Axles	G.V.W.R.	Fed. Reportable	Cargo Body Type	Number of Axles	G.V.W.R.	Fed. Reportable	Cargo Body Type
Vehicle Config.	I.C.C.M.C.#	U.S.D.O.T.#	Interstate Intra-state	Vehicle Config.	I.C.C.M.C.#	U.S.D.O.T.#	Interstate Intra-state
C.D.L.?	C.D.L. Suspended?	Vehicle Placarded?	Hazardous Materials?	Released?	C.D.L.?	C.D.L. Suspended?	Vehicle Placarded?
* If YES, Name or 4 Digit Number from Diamond or Box				* If YES, Name or 4 Digit Number from Diamond or Box			
* Or # Number from Bottom of Diamond:				* Or # Number from Bottom of Diamond:			

EAGLE2000/11 Law Enforcement Software

Page 2 of 2

**REMARKS**  
 MR. b6b6b6b6 STATED HE WAS DRIVING EASTBOUND ON GA HIGHWAY 84 WHEN HE FELT THE VEHICLE JUMP SEVERAL TIMES. MR. b6b6b6b6 STATED THE VEHICLE STARTED PULLING OVER TO THE OPPOSITE SIDE OF THE ROADWAY AND CONTINUED DOWN A SMALL EMBANKMENT LEADING INTO A DITCH. MR. b6b6b6b6 STATED HE TRIED STEER THE VEHICLE BUT HAD NO CONTROL OF THE CAR UNTIL IT CAME TO A COMPLETE STOP IN THE DITCH. MR. b6b6b6b6 STATED HE HAD JUST RECENTLY HAD NEW TIRES PUT ON THE VEHICLE FROM WAL-MART AND SOME WORK DONE ON THE VEHICLE. MR. b6b6b6b6 DID HAVE A BLOODY NOSE AND SOME SWELLING AROUND IT BUT DID NOT WANT TO GO TO THE HOSPITAL. MR. b6b6b6b6 TWO TIRES ON THE DRIVER SIDE OF HIS VEHICLE WERE INDEED BLOWN OUT AND COULD HAVE CONTRIBUTED TO THE ACCIDENT. MR. b6b6b6b6 VEHICLE WAS DAMAGED SEVERELY FROM THE FRONT TO THE BACK AND UNDERNEATH OF THE FRAME. THE VEHICLE WAS TOWED BY BLOUNTS WRECKER SERVICE.

INDICATE ON THIS DIAGRAM WHAT HAPPENED

INDICATE NORTH 

Accident Investigation Site?  N CITATION - VEHICLE # 1 NONE CITATION - VEHICLE # \_\_\_\_\_  
 Site Number: \_\_\_\_\_

First Harmful Event: 29	Traffic-Way Flow: 1	Weather: 1	Surface Cond.: 1	Light Condition: 1	Manner Of Collision: 6	Location At Area Of Impact: 3	Road Comp.: 2	Road Defects: 1	Road Character: 1
Number of Occupants: 1		VEH. # 1 VEH. # _____		SKID DISTANCE BEFORE IMPACT: 0		AFTER IMPACT: 0		(VEH. 1) Width Of Road: 53FT	
Point Of Initial Contact: 12		Damage To Vehicles: 4							

Damage Other Than Vehicles:	Owner:	AGE	SEX	VEH NO.	POS	INJURY	TAKEN FOR TREAT.	EJECT	SAFETY EQUIP.	EXTRIC.	AIR BAG
Occupants:	Driver # 1 Or Pedestrian #	b6b6		4	2	1	3	2	1		
Last Name	First	Address		City	State	Zip					

1\*  
Mart

(Fri, 2 Sep 2005 ( 03:16 -0500) (19a0583ee8554c5b8b564\_1390f417) Fax 18883071920 9 of 14

Liberty County Sheriff Department  
Accident Diagram Sheet

All Measurements Are Approximate And Not Drawn to Scale.

05051356



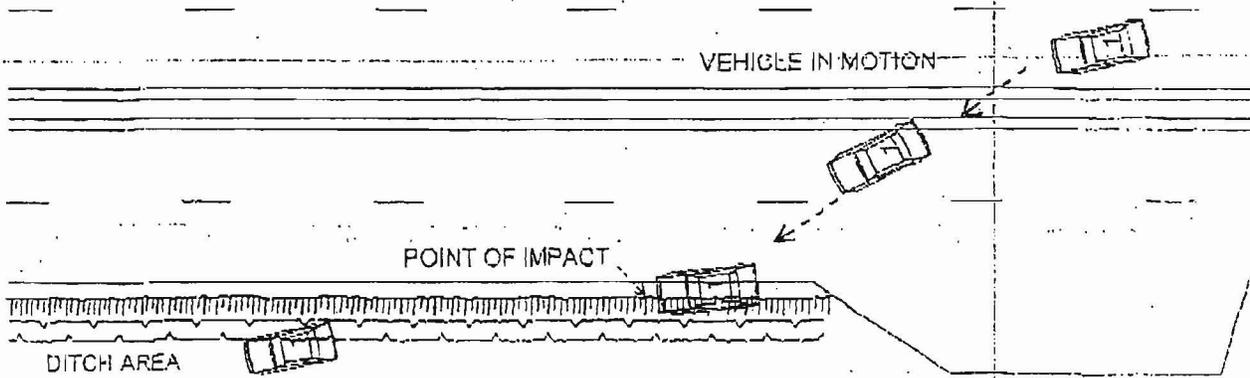
GA. HIGHWAY 84 EAST

VEHICLE IN MOTION

POINT OF IMPACT

DITCH AREA

PARKING FLASH FOOD



STATE OF LOUISIANA \* PARISH OF MADISON \* 6TH JUDICIAL DISTRICT

EARNESTINE BENNETT

FILED: October 16, 2006

VS. NO. 06-274

DELTA TIRE, INC., TBC CORPORATION,  
AND GOODYEAR TIRE AND RUBBER CO.

Shirley Johnson  
Deputy Clerk of Court

FIRST AMENDED AND SUPPLEMENTAL PETITION

NOW INTO COURT, through undersigned counsel, comes Plaintiff, EARNESTINE BENNETT, for the purpose of filing this First Amended and Supplemental Petition, with respect represents:

1.

Plaintiff shows that she filed her original Petition for Damages on October 10, 2006, however, said Petition for Damages did not name/state a Defendant(s) or state Venue; therefore Plaintiff desires to amend her original Petition for Damages by adding a Paragraph to name said Defendant(s). Such Paragraph should read as follows:

Plaintiff shows that she names as Defendants herein:

1. DELTA TIRE, INC., a Louisiana Corporation, domiciled in Tallulah, Louisiana, whose agent for service of process is Thomas W. Bishop, 513 Green Street, Box 591, Tallulah, Louisiana;
2. TBC CORPORATION, a Louisiana Corporation, domiciled in Lafayette, Louisiana, whose agent for service of process is William M. Hammack, 313 Rue Louis XIV, Suite IV, Lafayette, Louisiana; and
3. THE GOODYEAR TIRE AND RUBBER COMPANY, a non-Louisiana Corporation, which is licensed to do and actually doing business in Louisiana, whose agent for service of process is Corporation Service Company, 320 Somerulos Street, Baton Rouge, Louisiana.

2.

Plaintiff further shows that Paragraph 1 of her original Petition for Damages failed to state the date of the accident and to accurately describe the accident; therefore Plaintiff desires to amend Paragraph 1 of her original Petition for Damages to read as follows:

Plaintiff shows that on or about October 19, 2005, she was the driver of a 1991 Ford, Aerostar minivan and that she was traveling on the right-hand, westbound lane, in a westerly direction, on U.S. Interstate 20 in Warren County, Mississippi; when suddenly and without warning, the right rear tire on the vehicle she was driving exploded, causing her to lose control of said vehicle and causing the vehicle to veer left across the left-hand westbound lane and into the median, flipping over and veering back onto U.S. Interstate 20 facing east, finally coming

**A TRUE COPY ATTEST**

Shirley Johnson  
Dy. Clerk of Court Madison Parr

to a rest, overturned, on the shoulder of U.S. Interstate 20.

3.

Plaintiff further shows that she desires to amend her original Petition for Damages to add a Paragraph stating proper Venue. Such Paragraph should read as follows:

Venue is proper in this Honorable Court as allowed under La. Code of Civil Procedure, Article 42.

4.

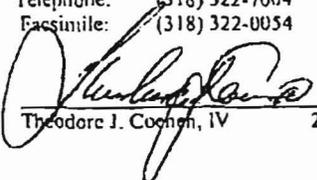
Plaintiff further shows that she realleges and reavers each and every other allegation in the original Petition for Damages as if they were restated in full herein.

WHEREFORE, Plaintiff, EARNESTINE BENNETT, prays that this First Amended and Supplemental Petition be filed and served according to law, and for all of the relief sought in the original Petition for Damages, and any other relief deemed proper by this Court.

Dated this 12<sup>th</sup> day of October, 2006.

Respectfully submitted,

Law Office of Theodore J. Coenen, IV  
1900 North 18<sup>th</sup> Street  
Monroe, Louisiana 71201  
Telephone: (318) 322-7004  
Facsimile: (318) 322-0054

  
Theodore J. Coenen, IV 22213

Please serve the following Defendants:

DELTA TIRE, INC.  
By and through its Registered Agent  
Thomas W. Bishop  
513 Green Street, Box 591  
Tallulah, LA 71282

TBC CORPORATION  
By and through its Registered Agent  
William M. Hammack  
313 Rue Louis XIV, Ste IV  
Lafayette, LA 70508

THE GOODYEAR TIRE AND RUBBER COMPANY  
By and through its Registered Agent  
Corporation Service Company  
320 Somerulos Street  
Baton Rouge, LA 70802-6129

STATE OF LOUISIANA \* PARISH OF MADISON \* 6TH JUDICIAL DISTRICT

EARNESTINE BENNETT

FILED: October 19, 2006

VS. NO. 06-274

DELTA TIRE, INC., TBC CORPORATION,  
AND GOODYEAR TIRE AND RUBBER CO.

Shirley J. Shelton  
Deputy Clerk of Court

**PETITION FOR DAMAGES**

COMES NOW, EARNESTINE BENNETT, against DELTA TIRE, INC., TBC CORPORATION, AND THE GOODYEAR TIRE & RUBBER COMPANY, for injuries sustained in the vehicular accident at issue in this litigation.

1.

Petitioner, Earnestine Bennett, was without fault in the accident described in this Petition. The right rear tire, manufactured by Defendant, THE GOODYEAR TIRE & RUBBER COMPANY, distributed by Defendant, TBC CORPORATION, and sold by Defendant, DELTA TIRE, INC., exploded and caused the 1991 Ford, Aerostar minivan, which was traveling in a westerly direction in the westbound lane of Interstate 20, to veer into the median and flip over several times, inflicting injuries on the Petitioner, Earnestine Bennett.

2.

That the Defendant, THE GOODYEAR TIRE & RUBBER COMPANY, is strictly liable to the Petitioner for the design and manufacture of the tire at issue, which was unreasonably dangerous in design and manufacture due to the following defects:

- a.) Failure to design the tire at issue to be capable of performing in the manner it was expected to perform;
- b.) Failure to design safety mechanisms in the tire to prevent loss of tread and overall integrity;
- c.) Failure to design the tire to use adequate quality materials to perform in the manner intended, represented and marketed;
- d.) Failure to use adequate manufacturing processes to make the tire with sufficient integrity to support normal usage;
- e.) Failure to manufacture the tire at issue to withstand normal wear and tear; and,
- f.) Failure to manufacture the tire to insure that the tread would not separate when placed into normal usage.
- g.) Other regards, to be shown at the trial of this matter.

**A TRUE COPY ATTEST**

Shirley J. Shelton  
Cly. Clerk of Court Madison Par.

3.

Petitioner, Earnestine Bennett, alleges that Delta Tire, Inc. was negligent, committed an intentional act or is strictly liable in selling the tire, which ultimately caused the accident at issue herein, in the following particulars:

- a.) Misrepresentations of quality and function of the tire being sold;
- b.) Selling an older tire of potentially compromised integrity;
- c.) Improper installation;
- d.) Representing the tire at issue as an adequate replacement for a higher priced branded tire; and, in other regards which will be shown at the trial of this matter
- e.) Strict liability under the Louisiana Products Liability Act for selling a defective product without adequate manufacture, design and/or failure to provide an adequate warning and/or breach of an express warning; and,
- f.) Other regards which will be demonstrated at the trial of this matter.

4.

The Defendant, TBC Corporation, is negligent, committed an intentional act or is strictly liable for distributing a defective unreasonably dangerous product, as follows:

- a.) Failing to adequately inform Delta Tire, Inc. of quality and function of the tire at issue;
- b.) Distributing a defective product without adequate manufacture, design and/or failure to provide an adequate warning and/or breach of an express warning;
- c.) Marketing and/or representing the tire at issue as an adequate replacement for the higher priced branded tires; and,
- d.) Other regards which will be demonstrated at the trial of this matter.

5.

As a result of this accident, the Petitioner, EARNESTINE BENNETT, has been hospitalized, bedridden for fractures to her cervical spine, and related injuries to her neck shoulders, rib cage and back as a result of this accident. She sets forth her claim for injuries, as follows:

- a.) Past, present and future pain and suffering;
- b.) Past, present and future medical expenses;
- c.) Permanent impairment and limitation of function;
- d.) Loss of enjoyment of life;
- e.) Lost Wages;
- f.) Lost future income and benefits; and,

g.) Loss of earning capacity.

6.

As a result of the injuries described above, Petitioner, EARNESTINE BENNETT, has incurred medical expenses, which are continuing and ongoing. An itemized statement of medical expenses will be provided during discovery.

#### REQUEST FOR NOTICE

Petitioner requests, in accordance with L.C.C.P. Article 1572 that she be given written notice by mail ten (10) days in advance of the date fixed for trial of any hearing of the above-captioned case, whether on exceptions, motions, rules or the merits. She also request immediate notice of all orders or judgments, whether interlocutory or final, made or rendered in this case upon rendition thereof as provided by L.C.C.P. Articles 1913 and 1914, including notice of judgment in the event that this case be taken under advisement, or judgment is not signed at the conclusion of the trial.

WHEREFORE, Petitioner prays that after the lapse of all legal delays, proceedings, and formalities that there be judgment rendered herein in her favor and against said Defendants with legal interest thereon from date of judicial demand until paid, all allowable court costs, including, but not limited to the fees of all expert witnesses.

DATED this 6 day of October, 2006.

Respectfully Submitted,

LAW OFFICE OF  
THEODORE J. COENEN, IV  
3001 ARMAND, SUITE A  
MONROE, LA 71201  
TELEPHONE (318) 322-7004  
FACSIMILE (318) 322-0087

By:

  
THEODORE J. COENEN, IV, #22213  
ATTORNEY FOR PETITIONER

Please serve the following Defendants:

DELTA TIRE, INC.  
By and through its Registered Agent  
Thomas W. Bishop  
513 Green Street, Box 591  
Tallulah, LA 71282

TBC CORPORATION  
By and through its Registered Agent  
William M. Hammack  
313 Rue Louis XIV, Ste IV  
Lafayette, LA 70508

TOTAL NUMBER OF VEHICLES INVOLVED 1

STATE OF LOUISIANA UNIFORM MOTOR VEHICLE TRAFFIC CRASH REPORT

REPORT NUMBER 8557998 PAGE 1

DATE OF CRASH 09/29/2005

TIME 17:48

TROOP F

LAT. 32.48688 LONG 91.57677

FD-5-1497

Parish: Richland CITY OR TOWN: Rayville

PARISH CODE: 42 CITY CODE: 03

Checkboxes for NE, SE, SW, NW, and Service Road options.

CRASH OCCURRED ON: 20 HIGHWAY # 142.00 ROADWAY NAME: I-20 DISTANCE: 1 MILE IN FEET: E STREET/ROADWAY: LA 183

Checkboxes for WORK ZONE, PUBLIC PROPERTY DAMAGE, etc.

CONTRIBUTING FACTORS AND CONDITIONS

Table with 5 columns: ROADWAY CONDITION, ROADWAY CHARACTERISTICS, TYPE OF ROADWAY, ALIGNMENT, PRIMARY FACTOR. Includes secondary factors like WEATHER, KIND OF LOCATION, RELATION TO ROADWAY, ACCESS CONTROL, LIGHTING.

VEHICLE CONFIGURATION and CARGO BODY TYPES. Grid of icons and labels for various vehicle types like PASSENGER CAR, MOTORCYCLE, TRUCK, etc.

Table with 8 columns detailing occupant and cargo status: A-FRONT SEAT LEFT SIDE, B-FRONT SEAT MIDDLE, C-FRONT SEAT RIGHT, D-SECOND SEAT LEFT, E-SECOND SEAT MIDDLE, F-SECOND SEAT RIGHT, G-THIRD ROW LEFT SIDE, H-THIRD ROW MIDDLE, I-THIRD ROW RIGHT SIDE, J-SLEEPER SECTION OF CAB, K-PASSENGER IN OTHER ENCLOSED PASSENGER OR CARGO AREA, L-PASSENGER IN OTHER UNENCLOSED PASSENGER OR CARGO AREA, M-PASSENGER ON TRAILER, N-TYPING UNIT, O-REAR ON VEHICLE, P-REAR ON TRAILER, Q-NOT ELECTED, R-TOTALLY ELECTED, S-PARTIALLY ELECTED, T-UNKNOWN, U-NOT TRAPPED, V-TRAPPED, W-EXTRACTED, X-TRAPPED NOT EXTRACTED, Y-UNKNOWN, Z-DEPLOYED, AA-NON DEPLOYED, AB-NON DEPLOYED SWITCH OFF, AC-MOT I APPLICABLE, AD-UNKNOWN, AE-NONE USED, VEHICLE OCCUPANT, AF-SHOULDER BELT ONLY USED, AG-LAP BELT ONLY USED, AH-SHOULDER AND LAP BELT USED, AI-CHILD SAFETY SEAT IMPROPERLY USED, AJ-CHILD SAFETY SEAT USED, AK-HELMET USED, AL-RESTRAINT USE UNKNOWN, AM-FATAL, AN-INCAPACITATED/SEVERE, AO-NON-CAPACITATED/MODERATE, AP-FORSEVERE COMPLAINT, AQ-NO INJURY.

EMERGENCY SERVICES: AMBULANCE 17:44, ARRIVED SCENE 17:50, DEPARTED SCENE 18:18, ARRIVED HOSPITAL 18:23.

AMBULANCE SERVICE: MED-LIFE

STATE OF AGENCY: Louisiana State Police, TIME OF NOTIFICATION: 17:45, TIME OF ARRIVAL: 18:05, TIME ALL LARGES OPENED: 18:40

REGISTERING POLICE AGENCY: A:State, REPORT COMPLETED: 09/29/2005

INVESTIGATING OFFICER'S NAME: Jones, Mark, SIGNATURE, SAGE # 1258, SUPERVISOR'S INITIALS



STATE OF LOUISIANA  
UNIFORM MOTOR VEHICLE TRAFFIC CRASH REPORT  
NARRATIVE/DIAGRAM

REPORT NUMBER  
8557888  
PAGE #  
3  
F051497

AT APPROXIMATELY 1745 HOURS, ON 29 September 2008, I WAS DISPATCHED TO A VEHICLE CRASH ON I-20 AT MILEPOST 142J. UPON MY ARRIVAL I OBSERVED A 1997 FORD VAN LYING ON ITS RIGHT SIDE IN THE INSIDE LANE OF WEST BOUND I-20. THE VEHICLE WAS FACING NORTH. I OBSERVED THAT THE RIGHT REAR TIRE OF THIS VEHICLE HAD RUPTURED.

AN EXAMINATION OF THE SCENE REVEALED THAT THE VAN HAD BEEN EAST BOUND ON I-20 WHEN THE RIGHT REAR TIRE RUPTURED. AS A RESULT, THE DRIVER LOST CONTROL OF THE VEHICLE. THE VEHICLE THEN TRAVELED EAST INTO THE MEDIAN. SIXTY-THREE FEET AFTER ENTERING THE MEDIAN THE VEHICLE BEGAN ROLLING OVER CLOCKWISE. THE VEHICLE CONTINUED TO ROLL OVER AS IT TRAVELED NORTH EAST. APPROXIMATELY 127 FEET AFTER IT INITIALLY ROLLED OVER, THE VEHICLE CAME TO REST IN THE LEFT WEST BOUND LANE OF I-20, FACING NORTH.

AN EXAMINATION OF THE SCENE DID NOT REVEAL ANY DEFECTS WITH THE ROADWAY. I ALSO OBSERVED THAT ALL TRAFFIC CONTROL DEVICES WERE HIGHLY VISIBLE AND FUNCTIONING PROPERLY.

I THEN RECEIVED WRITTEN WITNESS STATEMENTS FROM THE FOLLOWING PEOPLE:

b6b6b6b6b6b6b6b6 SEREPTA, LA b6b6b6

b6b6b6b6 STATED THE VAN WAS EAST BOUND ON I-20 WHEN THE DRIVER LOST CONTROL DUE TO A TIRE BLOWING OUT.

b6b6b6b6b6b6b6b6b6b6b6b6 SHONGALOD, LA b6b6b6b6

b6b6b6 STATED THE VAN WAS EAST BOUND ON I-20 WHEN THE DRIVER LOST CONTROL AFTER THE RIGHT REAR TIRE BLEW OUT.

I THEN TRAVELED TO THE HOSPITAL WHERE I MADE CONTACT WITH THE DRIVER, IDENTIFIED AS b6b6b6b6b6b6 b6b6b6b6 STATED SHE WAS EAST BOUND AT APPROXIMATELY 70 MPH WHEN THE RIGHT REAR TIRE BLEW OUT. SHE THEN LOST CONTROL OF THE VEHICLE AND TRAVELED INTO THE MEDIAN WHERE THE VEHICLE ROLLED OVER.

I THEN MADE CONTACT WITH OFFICER MICHAEL ADKINS OF THE RAYVILLE POLICE DEPARTMENT. HE STATED HE HAD JUST PASSED THE VAN AS HE TRAVELED EAST ON I-20. AFTER PASSING THE VAN HE LOOKED INTO HIS MIRROR AND OBSERVED THE RIGHT REAR TIRE OF THE VAN BLOW OUT. HE THEN OBSERVED THE VAN ENTER THE MEDIAN AND BEGIN ROLLING OVER.



STATE OF LOUISIANA  
UNIFORM MOTOR VEHICLE TRAFFIC CRASH REPORT  
DRIVER/WITNESS VOLUNTARY STATEMENT

COMPUTER NUMBER PAGE #  
9557998 - 05  
1051497

DATE 9/29/2005 TIME 1740 PLACE I-20 EAST BOUND 193 MILE MARKER  
I, OFFICER MICHAEL SCOTT AOKINS #522 RAYVILLE POLICE AM b6b6 YEARS OF AGE,  
MY ADDRESS IS b6b6b6b6b6b6b6b6b6b6b6b6b6b6b6b6  
AND MY TELEPHONE NUMBER IS b6b6b6b6b6b6b6b6b6b6

On 9/29/2005 at APPROX 1740 HRS., I, OFFICER MICHAEL SCOTT AOKINS #522, WAS TRAVELING EAST BOUND ON I-20 AT ABOUT 70 MPH. I PASSED AN EAST CARROLL SHERIFF WHITE TRANSPORT VAN TRAVELING IN THE SAME DIRECTION AT ABOUT 60-65 MPH. AFTER PASSING THE VAN WHICH WAS TRAVELING IN THE INSIDE LANE, I LOOKED IN MY MIRROR TO MAKE A LANE CHANGE. AT THAT TIME I OBSERVED WHAT APPEARED TO BE THE BACK PASSENGER TIRE BLEWING OUT. I IMMEDIATELY BEGAN SLOWING DOWN AND MOVED MY VEHICLE TO THE MEDIAN. I WATCHED THE VAN SWERVE TO THE LEFT AT ABOUT A 90° ANGLE THEN STRAIGHTENED BACK UP ONLY TO SWERVE UNCONTROLLABLE UNTIL IT CUT INTO THE MEDIAN. ONCE THE VEHICLE HIT THE MEDIAN IT ROLLED OVER TO THE PASSENGER SIDE ABOUT FIVE TIMES BEFORE COMING TO REST IN THE INSIDE LANE OF THE WEST BOUND TRAFFIC. END OF REPORT

THE ABOVE STATEMENT, TO THE BEST OF MY KNOWLEDGE, IS A TRUE AND CORRECT ACCOUNT OF MY RECOLLECTION IN THE ABOVE DESCRIBED MOTOR VEHICLE CRASH

SIGNED: [Signature] #522 RAYVILLE POLICE

OFFICER TAKING STATEMENT: Sgt Mark A. Jones

SIGNATURE: [Signature]  
INVESTIGATING OFFICER'S INITIALS MAJ

STATE OF LOUISIANA  
UNIFORM MOTOR VEHICLE TRAFFIC CRASH REPORT  
DRIVER/WITNESS VOLUNTARY STATEMENT

COMPUTER NUMBER 8557998 - PAGE # 06  
005-1497

DATE 9/29/05 TIME 5:20 PLACE I-10 East  
I, b6b6b6b6b6b6b6 AM b6b6 YEARS OF AGE,  
MY ADDRESS IS b6b6b6b6b6b6b6b6b6b6b6b6b6b6b6b6  
AND MY TELEPHONE NUMBER IS b6b6b6b6b6b6b6b6

*Was traveling east on I-10, lost control of vehicle when the right rear tire blew-out causing vehicle to cross median and overturn. Vehicle overturned approximately three times before coming to rest in west-bound lane.*

*There were three occupants in vehicle, all were injured as a result of accident. All were taken by medical personnel to hospital.*

*If additional information is needed please feel free to contact me at number stated above.*

*Yours Truly*  
b6b6b6b6b6b6b6b6b6b6

THE ABOVE STATEMENT, TO THE BEST OF MY KNOWLEDGE, IS A TRUE AND CORRECT ACCOUNT OF MY RECOLLECTION IN THE ABOVE DESCRIBED MOTOR VEHICLE CRASH

SIGNED: \_\_\_\_\_

OFFICER TAKING STATEMENT: SIT Mark A. Jones

SIGNATURE: SIT Mark A. Jones  
INVESTIGATING OFFICER'S INITIALS M.A.J.

STATE OF LOUISIANA  
UNIFORM MOTOR VEHICLE TRAFFIC CRASH REPORT  
DRIVER/WITNESS VOLUNTARY STATEMENT

COMPUTER NUMBER PAGE #  
8557998 - 07  
F05-1497

DATE 9-29-05 TIME 5:30 PLACE I 20  
I, b6b6b6b6b6b6b6 AM b6 YEARS OF AGE,  
MY ADDRESS IS b6b6b6b6b6b6b6b6b6b6b6b6b6b6b6b6b6b6  
AND MY TELEPHONE NUMBER IS b6b6b6b6b6b6b6b6

*Was going East on I 20 lost control of vehicle  
with tire blow out vehicle overturned & number of  
times came to stop west bound side  
if additional information please call*

**b6b6b6b6b6b6**

THE ABOVE STATEMENT, TO THE BEST OF MY KNOWLEDGE, IS A TRUE AND CORRECT  
ACCOUNT OF MY RECOLLECTION IN THE ABOVE DESCRIBED MOTOR VEHICLE CRASH

SIGNED: \_\_\_\_\_

OFFICER TAKING STATEMENT: SIT Mark A. Jones

SIGNATURE: SA Mark A. Jones

INVESTIGATING OFFICER'S INITIALS MAJ



9 - DIAGRAM (Check on Space below to insert an image)

2006-044928

10 - INDICATE NORTH

11 - SHOOTING OCCURRED

VEHICLE

YES	1	2	3
NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12 - CITATIONS

UNIT NO. A R S NO. OR CITY CODE

14 - PROLOCATION

RAN OFF ROADWAY PRIOR TO PREVENT HARMFUL EVENT

YES  NO

RIGHT  LEFT

UNIT NO. \_\_\_\_\_

15 - MANNER OF COLLISION

CHECK ONLY ONE (1)

- SINGLE VEHICLE
- ANGLE
- LEFT TURN
- RIGHT TURN
- U-TURN
- REAR-END
- HEAD-ON
- BOREHAMPE (SAME DIRECTION)
- BOREHAMPE (OPPOSITE DIRECTION)
- BACKING
- NON-CONTACT MOTORCYCLE
- NON-CONTACT NON-MOTORCYCLE
- PEDESTRIAN
- PROXIMATE
- OTHER

13 - DESCRIBE WHAT HAPPENED (Please Note - Any text typed outside of the this Box Area, by using the Scroll Bar, will not be Printed)

SEE ATTACHED

16 - TRAFFIC VIOLATION ACTION

CHECK ONE (1) PER UNIT

- GOING STRAIGHT AHEAD
- SLOWING IN TRAFFICWAY
- STOPPED IN TRAFFICWAY
- MAKING LEFT TURN
- MAKING RIGHT TURN
- MAKING U-TURN
- ENTERING ALLEY OR DRIVEWAY
- LEAVING ALLEY OR DRIVEWAY
- OVERTAKING / PASSING
- CHANGING LANES
- BACKING
- MOVING VEHICLE OBJECT, PEDESTRIAN
- ENTERING PARKING POSITION
- LEAVING PARKING POSITION
- PROPERLY PARKED
- IMPROPERLY PARKED
- DRIVEWAY MOVING VEHICLE
- CROSSING ROAD
- WALKING WITH TRAFFIC
- WALKING AGAINST TRAFFIC
- STANDING
- LYING
- GETTING ON OR OFF VEHICLE
- WORKING ON OR PUSHING VEHICLE
- WORKING ON ROAD
- OTHER
- UNKNOWN

INJURED TAKEN TO / BY

16 - LIGHT CONDITION

CHECK ONLY ONE (1)

- DAYLIGHT
- DAWN OF DUSK
- DARKNESS

17 - STREET LIGHT

YES (1)

STREET LIGHT FUNCTIONING

STREET LIGHT NOT FUNCTIONING

17 - ROAD SURFACE CONDITION

CHECK ONLY ONE (1)

- CLEAR
- CLOUTY
- SLUSH / MUD
- RAIN
- SNOW
- SEVERE CROSSWINDS
- BLOWING SAND, SOIL, DIRT, SNOW
- FOG, SMOG, SMOKE

18 - ROAD SURFACE TYPE

CHECK ONLY ONE (1)

- ASPHALT
- CONCRETE
- GRAVEL
- DIRT
- OTHER

19 - TRAFFIC SIGNAL

CHECK ONLY ONE (1)

- INTERSECTION
- JUNCTION AREA
- NON-JUNCTION AREA
- DRIVEWAY ACCESS
- ALLEY ACCESS
- ALLEY

20 - INTERSECTION RELATED

YES

NO

21 - SPECIAL CONDITION

CHECK ONLY ONE (1)

- SCHOOL CROSSING
- PEDESTRIAN CROSSWALK (S TRAFFIC)
- PEDESTRIAN CROSSWALK (NO STRIPPINGS)
- BRIDGE
- TUNNEL
- RR CROSSING
- GORE AREA
- BIKE PATH
- 3-WAY LEFT TURN LANE

22 - VERTICAL ROAD CONDITION

CHECK ONLY ONE (1)

- UNDER CONSTRUCTION, TRAFFIC ALLOWED
- UNDER CONSTRUCTION, NO TRAFFIC ALLOWED
- UNDER REPAIRS
- HOLES, RUTS, SLUMPS
- OBSTRUCTION - PROTECTED
- OBSTRUCTION - UNPROTECTED
- OBSTRUCTION - UNLIGHTED AT NIGHT
- DEFECTIVE SHOULDER
- CHANGING ROAD WIDTH
- WATER (STANDING OR MOVING)
- TEMPORARY LANE CLOSURE

23 - TRAFFIC CONTROL DEVICES

CHECK ONLY ONE (1)

- OPERATIONAL
- DAMAGED OR NON-FUNCTIONAL, PRIOR TO ACCIDENT

CHECK ALL THAT APPLY

- TRAFFIC SIGNAL
- YIELD SIGN
- STOP SIGN
- WARNING SIGN
- RAILROAD SIGNAL
- PLASING SIGNAL
- FLAGSMAN OR OFFICER

24 - ROAD GRADE

CHECK ONLY ONE (1)

- LEVEL
- DOWNGRADE
- UPGRADE
- HILL-CREST
- DIP

25 - ROAD SURFACE CONDITION

CHECK ONLY ONE (1)

- DRY
- WET
- SAND, MUD, DIRT, OIL, GRAVEL
- SNOW
- SLUSH
- ICE
- OTHER
- UNKNOWN

24 - ROAD GRADE

CHECK ONLY ONE (1)

- LEVEL
- DOWNGRADE
- UPGRADE
- HILL-CREST
- DIP

25 - ROAD SURFACE CONDITION

CHECK ONLY ONE (1)

- DRY
- WET
- SAND, MUD, DIRT, OIL, GRAVEL
- SNOW
- SLUSH
- ICE
- OTHER
- UNKNOWN

26 - ROAD SURFACE CONDITION

CHECK ONLY ONE (1)

- DRY
- WET
- SAND, MUD, DIRT, OIL, GRAVEL
- SNOW
- SLUSH
- ICE
- OTHER
- UNKNOWN

27 - ROAD SURFACE CONDITION

CHECK ONLY ONE (1)

- DRY
- WET
- SAND, MUD, DIRT, OIL, GRAVEL
- SNOW
- SLUSH
- ICE
- OTHER
- UNKNOWN

28 - ROAD SURFACE CONDITION

CHECK ONLY ONE (1)

- DRY
- WET
- SAND, MUD, DIRT, OIL, GRAVEL
- SNOW
- SLUSH
- ICE
- OTHER
- UNKNOWN

28 - VIOLATIONS / BEHAVIOR

TWO (2) CHOICES PER PERSON MAY BE SELECTED

- NO IMPROPER ACTION
- SPEED TOO FAST FOR CONDITIONS
- EXCEEDED LAWFUL SPEED
- FAILED TO YIELD RIGHT-OF-WAY
- FOLLOWED TOO CLOSELY
- RAN STOP SIGN
- DISREGARDED TRAFFIC SIGNAL
- MADE IMPROPER TURN
- DROVE IN OPPOSITE TRAFFIC LANE
- INAPPROPRIATELY OPERATED WITH FAULTY OR MISSING EQUIPMENT
- REQUIRED MOTORCYCLE SAFETY EQUIPMENT NOT USED
- PASSED IN NO PASSING ZONE
- UNSAFE LANE CHANGE
- OTHER UNSAFE PASSING
- INATTENTION
- DID NOT USE CROSSWALK
- WALKED ON WRONG SIDE OF ROAD
- OTHER
- UNKNOWN

29 - VEHICLE CONDITION

TWO (2) CHOICES PER PERSON MAY BE SELECTED

- NO APPARENT DEFECTS
- DEFECTIVE BRAKES
- DEFECTIVE STEERING
- DEFECTIVE HEADLIGHTS
- DEFECTIVE TAIL LIGHTS
- DEFECTIVE TURN-SIGNAL
- PUNCTURE OR BLOWOUT
- ONE OR MORE SMOOTH TIRES
- OTHER
- UNKNOWN

30 - VEHICLE CONDITION

TWO (2) CHOICES PER PERSON MAY BE SELECTED

- NO APPARENT DEFECTS
- DEFECTIVE BRAKES
- DEFECTIVE STEERING
- DEFECTIVE HEADLIGHTS
- DEFECTIVE TAIL LIGHTS
- DEFECTIVE TURN-SIGNAL
- PUNCTURE OR BLOWOUT
- ONE OR MORE SMOOTH TIRES
- OTHER
- UNKNOWN

31 - VEHICLE CONDITION

TWO (2) CHOICES PER PERSON MAY BE SELECTED

- NO APPARENT DEFECTS
- DEFECTIVE BRAKES
- DEFECTIVE STEERING
- DEFECTIVE HEADLIGHTS
- DEFECTIVE TAIL LIGHTS
- DEFECTIVE TURN-SIGNAL
- PUNCTURE OR BLOWOUT
- ONE OR MORE SMOOTH TIRES
- OTHER
- UNKNOWN

32 - DIRECTION OF TRAVEL

CHECK ONE (1) PER UNIT

1	<input type="checkbox"/>	NORTH	5	<input type="checkbox"/>	WEST
2	<input type="checkbox"/>	SOUTH	6	<input type="checkbox"/>	SW
3	<input type="checkbox"/>	EAST	7	<input type="checkbox"/>	SE
4	<input type="checkbox"/>	UNKNOWN	8	<input type="checkbox"/>	UNKNOWN

ARIZONA TRAFFIC ACCIDENT REPORT		REPORT ID				Agency Report Number																																																																																																											
FATAL SUPPLEMENT		YEAR	MONTH	DAY	HOUR	NCIC NO.	OFFICER'S ID NO.																																																																																																										
<small>FORM 10 COPY TO ACCIDENT RECORDS ANALYSIS UNIT 6408 ARIZONA DEPARTMENT OF TRANSPORTATION 300 S. THE AVE., PHOENIX, ARIZONA 85027-3228</small>		2006	08	20	02:31	799	5058																																																																																																										
<small>FORM 10 COPY TO ACCIDENT RECORDS ANALYSIS UNIT 6408 ARIZONA DEPARTMENT OF TRANSPORTATION 300 S. THE AVE., PHOENIX, ARIZONA 85027-3228</small>		<input type="checkbox"/> Occurred at time of investigation <input type="checkbox"/> Delayed entry																																																																																																															
NAME OF VICTIM		<input type="checkbox"/> DRIVER <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> PASSENGER		<input type="checkbox"/> RACE <input type="checkbox"/> W		<input type="checkbox"/> MARITAL STATUS <input type="checkbox"/> Single																																																																																																											
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6 MARK DAMAGED AREA(S) OF VICTIM'S VEHICLE		7 RESTRAINT FAILURE / IMPROPER RESTRAINT USAGE			8 SUPPLEMENTAL DATA																																																																																																												
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LAP</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>SHOULDER HARNESS</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			ENTER SEAT POSITION	1							NONE FAILED								LAP FAILED								SHOULDER FAILED								BOTH FAILED								CHILD RESTRAINT								AIR BAG NOT DEPLOYED								PASSIVE SYSTEM								UNKNOWN		X						RESTRAINT PROPERLY USED								CHILD RESTRAINT								PASSIVE & LAP								SHOULDER HARNESS								<table border="1"> <tr> <td> <input type="checkbox"/> PERSONS INVOLVED  <input type="checkbox"/> PASSING MOTORIST  <input type="checkbox"/> POLICE  <input type="checkbox"/> RESIDENT BYSTANDER  <input type="checkbox"/> OTHER  <input type="checkbox"/> VICTIM EJECTED  <input type="checkbox"/> NOT EJECTED  <input type="checkbox"/> COMPLETE  <input type="checkbox"/> PARTIAL  <input type="checkbox"/> UNKNOWN  <input type="checkbox"/> VICTIM EXTRICATION  <input type="checkbox"/> NOT REQUIRED  <input type="checkbox"/> BY AMBULANCE ATTENDANT  <input type="checkbox"/> BY POLICE  <input type="checkbox"/> BY FIRE DEPARTMENT  <input type="checkbox"/> BY PASSENGER  <input type="checkbox"/> OTHER           </td> <td> <input type="checkbox"/> DRIVER FAMILIAR WITH LOCAL  <input type="checkbox"/> YES  <input type="checkbox"/> NO  <input type="checkbox"/> UNKNOWN  <input type="checkbox"/> ROAD ALIGNMENT  <input type="checkbox"/> STRAIGHT ROAD  <input type="checkbox"/> CURVED  <input type="checkbox"/> UNKNOWN  <input type="checkbox"/> VEHICLE TRANSMISSION  <input type="checkbox"/> AUTOMATIC  <input type="checkbox"/> MANUAL  <input type="checkbox"/> UNKNOWN  <input type="checkbox"/> COMPLIANCE WITH DRIVER LICENSE RESTRICTIONS  <input type="checkbox"/> YES  <input type="checkbox"/> NO  <input type="checkbox"/> UNKNOWN  <input type="checkbox"/> BLOOD ALCOHOL CONTENT TEST TAKEN  <input type="checkbox"/> YES  <input type="checkbox"/> NO  <input type="checkbox"/> UNKNOWN  <input type="checkbox"/> ACCIDENT LOCALE  <input type="checkbox"/> URBAN  <input type="checkbox"/> RURAL  <input type="checkbox"/> UNKNOWN  <input type="checkbox"/> TERRAIN TYPE  <input type="checkbox"/> LEVEL  <input type="checkbox"/> HILLY  <input type="checkbox"/> MOUNTAINOUS  <input type="checkbox"/> DRUG SCREEN TAKEN  <input type="checkbox"/> YES  <input type="checkbox"/> NO  <input type="checkbox"/> UNKNOWN           </td> </tr> </table>			<input type="checkbox"/> PERSONS INVOLVED <input type="checkbox"/> PASSING MOTORIST <input type="checkbox"/> POLICE <input type="checkbox"/> RESIDENT BYSTANDER <input type="checkbox"/> OTHER <input type="checkbox"/> VICTIM EJECTED <input type="checkbox"/> NOT EJECTED <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> UNKNOWN <input type="checkbox"/> VICTIM EXTRICATION <input type="checkbox"/> NOT REQUIRED <input type="checkbox"/> BY AMBULANCE ATTENDANT <input type="checkbox"/> BY POLICE <input type="checkbox"/> BY FIRE DEPARTMENT <input type="checkbox"/> BY PASSENGER <input type="checkbox"/> OTHER	<input type="checkbox"/> DRIVER FAMILIAR WITH LOCAL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> ROAD ALIGNMENT <input type="checkbox"/> STRAIGHT ROAD <input type="checkbox"/> CURVED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> VEHICLE TRANSMISSION <input type="checkbox"/> AUTOMATIC <input type="checkbox"/> MANUAL <input type="checkbox"/> UNKNOWN <input type="checkbox"/> COMPLIANCE WITH DRIVER LICENSE RESTRICTIONS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> BLOOD ALCOHOL CONTENT TEST TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> ACCIDENT LOCALE <input type="checkbox"/> URBAN <input type="checkbox"/> RURAL <input type="checkbox"/> UNKNOWN <input type="checkbox"/> TERRAIN TYPE <input type="checkbox"/> LEVEL <input type="checkbox"/> HILLY <input type="checkbox"/> MOUNTAINOUS <input type="checkbox"/> DRUG SCREEN TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
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9 OFFICER SIGNATURE AND ID NUMBER		ID NUMBER		DATE																																																																																																													
R Wallin		5058		2006/09/09																																																																																																													

ARIZONA TRAFFIC ACCIDENT REPORT <b>SUPPLEMENT</b> <small>FORWARD COPY TO          ACCIDENT RECORDS ANALYSIS UNIT 6648          ARIZONA DEPARTMENT OF TRANSPORTATION          288 S. 17th AVE., PHOENIX, ARIZONA 85007-3223</small>	REPORT ID				Agency Report Number	
	YEAR	MONTH	DAY	HOUR	NCIC NO.	OFFICER'S ID NO.
	2006	08	20	02:31	799	5058
<b>ACCIDENT DESCRIPTION</b>						2006-044928
(NARRATIVE)						

**INITIAL OBSERVATIONS**

I was called out from my residence in Arizona City at 2:37am. I arrived in the vicinity of the collision at about 3:10am. Upon arrival at the scene, eastbound traffic was backed up for about a mile. Semi's and other motorists were parked and blocking the emergency lane. It took several minutes to get through traffic during the last few miles. Avra Valley Fire Department had closed the eastbound lanes. A fire truck was parked across both lanes. A heavily damaged Toyota pickup was on its roof positioned near the center line in front of the fire truck. A helicopter was on the ground further east of the fire truck and Toyota. An ambulance was parked in the emergency lane. Firemen and paramedics were treating the driver and getting ready to move toward the helicopter with him fixed to a backboard and litter. I barely had time to write down the man's name and address from his license and then hand it back to a flight nurse as they were taking him to the helicopter. I asked 2 of the medics about his condition and both stated that they perceived his injuries as moderate facial lacerations and maybe a broken hand. I only saw the driver briefly as he was loaded onto the gurney and carried past me. At this time his injuries did not appear to be life threatening.

**ENVIRONMENT AND ROAD FACTORS**

Interstate 10 at milepost 225.2 is an east / west highway with two lanes eastbound and two lanes westbound. The eastbound lanes are separated from the westbound lanes by a depressed center median. The surface composition is asphalt and is free of apparent defects. The roadway is constructed straight and level at this location. This collision occurred at night during clear weather. The road conditions and weather were not factors in this collision.

**VEHICLE #1 INFORMATION**

This vehicle is a green 1998 Toyota pickup driven by Kordell Ray Wamsley. This vehicle was westbound on Interstate 10. It sustained a tread separation of the right rear tire. The vehicle veered into the median and rolled at least once then came to rest on its roof on the center line. The roof was partially crushed. All tires were deflated. The sides sustained contact, crush, and scrape and scratch damage from rolling and sliding on all sides. The driver's injuries appeared to be deep lacerations to the face and possibly a broken hand.

The driver was treated by medics at the scene from Avra Valley Fire Department Engine #37 and crew from Airevac #23. He was flown to University Medical Center in Tucson by Airevac 23. He was pronounced dead at 0356 by DR Viscusi at the UMC Emergency Room.

**WITNESSES**

There were no witnesses at the scene that saw the initial collision sequence. Seven to ten people were at the scene that stated that they saw a dirt cloud in the median and the pickup upside down in the road.

**24 HOUR BACKGROUND**

Most of the previous day had been spent at his Uncle Doug Adams house in Mesa watching a movie and eating with the family. At around 4:00 pm he departed for Tucson. His Aunt Cheri Nagel received a phone call from him at about 6:00 pm. The evening was spent on a date with a woman that he had met over the internet. No contact information is available for her from the family.

ARIZONA TRAFFIC ACCIDENT REPORT <b>SUPPLEMENT</b> <small>FORWARD COPY TO          ACCIDENT RECORD ANALYSIS UNIT 864R          ARIZONA DEPARTMENT OF TRANSPORTATION          288 S. 17th AVE., PHOENIX, ARIZONA 85007-3223</small>	REPORT ID					Agency Report Number
	YEAR	MONTH	DAY	HOUR	NCIC NO.	OFFICER'S ID NO.
2006/08/20      02:31      799      5058						
<b>ACCIDENT DESCRIPTION</b> (NARRATIVE)						

**INVESTIGATION**

My investigation of this collision is based on damage to the vehicle and marks on the road. I have found that it occurred in the following manner. This vehicle was westbound in the left lane. The right rear tire sustained a tread separation. The vehicle began to veer to the left. It left a faint tire mark across the yellow line and rumble strip as it entered the median. The right side tires left faint marks in the asphalt tailings near the edge of the pavement. The tire marks got deeper and wider as the vehicle rotated counter clockwise until it was in a right side skid with the tires ploughing sideways through the dirt. After 80 feet the plough marks from the tires end and marks in the dirt from the vehicle's sides begin, indicating that the vehicle was rolling. The body marks in the dirt continue for over 200 more feet until it traveled up the slight embankment of the eastbound lanes. As the vehicle came out of the median onto the asphalt of the eastbound lanes, it was sliding on its roof. The driver was possibly ejected near this location although there were no apparent marks on the ground or the asphalt indicating whether he was ejected or crawled out of the vehicle to that location. The driver was found lying in the grass on the shoulder a few feet west of the eastbound lanes. The vehicle left light scrape marks across the left lane and came to rest on the center line facing southwest. Upon my arrival at the scene, the medics had already moved the driver. I found the seatbelt unfastened in the vehicle.

Officer's Signature R Wallin	Badge No. 5058	Date 2006/09/09
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**ARIZONA TRAFFIC ACCIDENT REPORT  
SUPPLEMENT**  
FORWARD COPY TO: ACCIDENT ANALYSIS UNIT 064R  
ARIZONA DEPARTMENT OF TRANSPORTATION  
206 S. 17<sup>TH</sup> AVE., PHOENIX, AZ 85007-3233

Agency Report Number:	2006-044928
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REPORT ID: 2006-044928

YEAR/MON/DAY	HOOR	NCIC NO.	OFFICER'S ID NO.
06/08/20	0230	0799	6034

**SUPPLEMENT BY OFF. G. MANJARRES #6034:**

On 08/20/06 at approximately 0520 hours, I was requested by Sgt Swanty of the Arizona Department of Public Safety to make next of kin notification to the family of [REDACTED] an individual who died earlier in a collision.

Officer Hunt and I went to the residence of the deceased where we attempted to make contact with the family. There was no answer at the home. We attempted to contact two separate neighbors who also did not answer. A third neighbor verified the deceased lived at the residence with his grandparents [REDACTED] who may have been at a local church.

Officer Hunt and I went to the church and attempted to locate next-of-kin with no success. We returned to the house and upon arrival, met with the spouse of the neighbor we spoke to earlier in the morning. He was able to provide us with Mr [REDACTED] cell phone number.

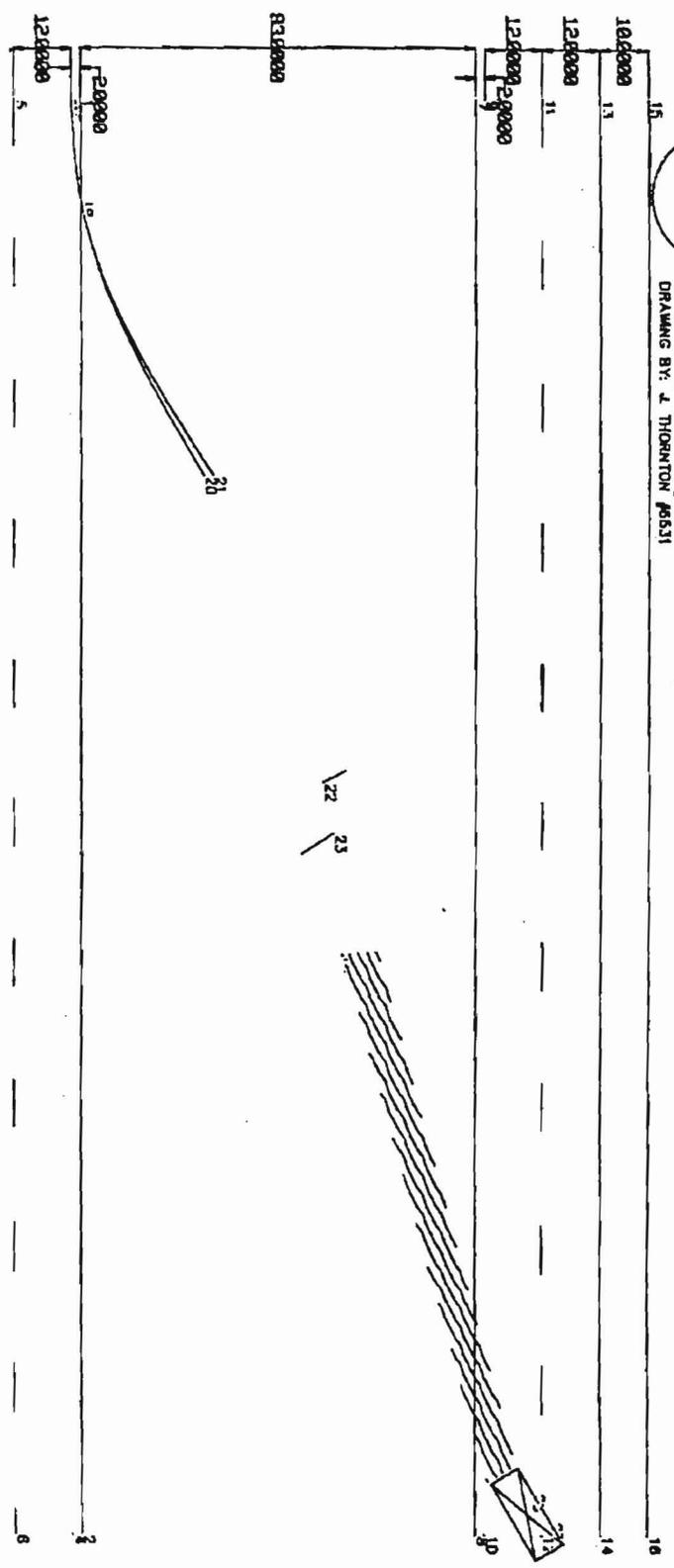
I called the cell phone number and spoke to Mr [REDACTED] who was in Show Low, Arizona at the time. Due to the exigent circumstances, I made next of kin notification on 08/20/06 at 0720 hours via telephone.



DR 0666666666  
DR 0666666666  
1-10 MP 225.2  
ARIZONA DEPARTMENT OF PUBLIC SAFETY  
CASE OFFICER: R. WALLIN #5058  
DRAWING BY: J. THORNTON #6531

117

125



a .044928

Point	X	Y	Z	Description	Protect
1	0.000	0.000	0.000	EP1	
2	305.000	0.000	0.000	EP1	
3	0.000	-2.000	0.000	LLS1	
4	305.000	-2.000	0.000	LLS1	
5	0.000	-14.000	0.000	LLD1	
6	305.000	-14.000	0.000	LLD1	
7	0.000	83.000	0.000	MED	
8	305.000	83.000	0.000	MED	
9	0.000	85.000	0.000	LLS2	
10	305.000	85.000	0.000	LLS2	
11	0.000	97.000	0.000	LLD2	
12	305.000	97.000	0.000	LLD2	
13	0.000	109.000	0.000	LLS3	
14	305.000	109.000	0.000	LLS3	
15	0.000	119.000	0.000	EP2	
16	305.000	119.000	0.000	EP2	
17	123.900	125.000	0.000	SIGN	
18	0.000	-2.000	0.000	TIRE MARK BEGINS	
19	21.500	0.000	0.000	TIRE MARK	
20	80.000	28.000	0.000	TIRE MARK	
21	80.000	28.000	0.000	TIRE MARK	
22	146.000	51.000	0.000	IMPRESSION	
23	157.000	53.000	0.000	IMPRESSION	
24	183.000	55.000	0.000	IMPRESSION	
25	276.000	129.000	0.000	BODY	
26	296.000	85.000	0.000	FR	
27	302.000	98.500	0.000	FR	

2006-04-19 28

Audio	History	Note
	▶	WB EP
	▶	WB EP
	▶	WB LLS
	▶	WB LLS
	▶	WB LLD
	▶	WB LLD
	▶	MEDIAN
	▶	MEDIAN
	▶	EB YELLOW
	▶	EB YELLOW
	▶	EB DOTTED
	▶	EB DOTTED
	▶	EB WHITE LINE
	▶	EB WHITE LINE
	▶	EB EMERGENCY LANE
	▶	EB EMERGENCY LANE
	▶	RED ROCK 1 MILE SIGN
	▶	TIRE MARK
		TIRE MARK CROSSES YE
		TIRE MARK ENDS
		TIRE MARK ENDS
	▶	DIRT IMPRESSION
	▶	DIRT IMPRESSION
	▶	DIRT IMPRESSION
	▶	DRIVER
	▶	RR TIRE
	▶	RF TIRE

## P215/70R14 – DOT “NWHY \_\_\_\_\_”

- Goodyear is planning to conduct a customer satisfaction campaign for all tires using this same green tire.
- Tires produced from 2003 - 2006 *late in the year*
- This is a preventative campaign in response to early warning data.
- After exhaustive analysis, no design or manufacturing defect has been found in these tires.

10/31/2007

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## P215/70R14 – Private Brand

- Private brand tires supplied to multiple customers -  
*90%* Wal-Mart, Discount, TBC, and others
- 23 distinct brands/types including Douglas, Mohave, Star, Republic
- 799,655 produced from May 2003 to Nov 2006 exclusively for North America sales
- This tire was discontinued in November 2006 as new designs and molds were being introduced *moving away from a lot of private brand*
- Estimate approximately 400,000 tires remain in service *based on an attrition model*

*S.A. white wall only*

*Tyler, Radze (some other models (some time))*

10/31/2007

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2

Overall ppm : 17

P215 ppm:

Probably the widest 14" track

P403-06: 22 PD 25 ppm  
1 E 1006

TIRE SIZE	TIRE DESCRIPTION	NUMBER PRODUCED	DOT SERIAL BEGINS WITH
P215/70R14	DOUGLAS XTRA-TRAC A/W	430,228	NWHY _____
P215/70R14	TELSTAR WEATHERIZER	1,004	NWHY _____
P215/70R14	LARAMIE STEEL RIDER	1,470	NWHY _____
P215/70R14	JETZON INNOVATION	2,060	NWHY _____
P215/70R14	CORDOVAN CRITERION II	1730	NWHY _____
P215/70R14	TURBO TECH VANDERBILT A/S II	3,497	NWHY _____
P215/70R14	MULTI-MILE EPIC PLUS	5,557	NWHY _____
P215/70R14	MULTI-MILE CUSTOM 428	21,469	NWHY _____
P215/70R14	BIG O CUSTOM SBR	39,354	NWHY _____
P215/70R14	SUMMIT SIEMPRE VI	7,585	NWHY _____
P215/70R14	LEE ALL WEATHER	9,158	NWHY _____
P215/70R14	REMINGTON MAXXUM II	35,558	NWHY _____
P215/70R14	KELLY EXPLORER	42,030	NWHY _____
P215/70R14	REPUBLIC ENSIGN	48,643	NWHY _____
P215/70R14	ROCKY MOUNTAIN ALL SEASON	5,808	NWHY _____
P215/70R14	MOHAVE R/S	73,843	NWHY _____
P215/70R14	WINSTON VOYAGER	6,472	NWHY _____
P215/70R14	WINSTON CALIFORNIAN II	19,998	NWHY _____
P215/70R14	WEATHER MARK	1,349	NWHY _____
P215/70R14	ULTIMATE AWR 4	1,650	NWHY _____
P215/70R14	MONARCH ULTRA-FLEX 2	3,399	NWHY _____
P215/70R14	PRESTIGE RADIALMAX	13,301	NWHY _____
P215/70R14	STAR SKYTRAK II	24,492	NWHY _____

P406 3 PD claims 72  
134 ppm

P42004 2 PD claims 63  
64 ppm

P405 3 PD claims 72  
129 ppm

P40005 4 PPA, 120%  
05 1 40 ppm  
04 3 66 ppm 19%

TOTAL 799,655

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10/31/2007

# Early Warning Information

~~the~~ have eight tires in possession

Not a lane exit issue

6666

REPORT	FILE	Prod. ID	Prod. Name	Tire Type	Prod. ID	TIN	Prod. Year	Prod. Month	Prod. Day	Prod. State	Prod. Country	Vehicle Model	Year	Comp A	Comp B	Comp C	Comp D	Comp E	
1st Quarter 2005	000014T051004DC	1	17623286	BIG CUSTOM SBR <i>SW</i>	P215/70R14	2003	NWHEY4BKR2703	2005-01-31	0	1	AZ	FORD	RANGER	1994	99				
3rd Quarter 2005	000014T053001DC	29	20475467	XTRA-TRAC AW AS <i>SW</i>	P215/70R14	2004	NWHEY2JHR2304	2005-08-29	0	1	TX	FORD	AEROSTAR	1994	99				
3rd Quarter 2005	000014T053001DC	30	20475790	XTRA-TRAC AW AS <i>SW</i>	P215/70R14	9999	UNK	2005-05-25	0	1	GA	HYUNDAI	ACCENT	2002	99				
4th Quarter 2006	000014T064002DC	14	24829816	M-M CUSTOM 428A/S <i>SW</i>	P215/70R14	2003	NWHEY2JXR3503	2005-10-19	0	1	MS	FORD	AEROSTAR	1991	99				
5th Quarter 2006	000014T064002DC	16	24242741	MOHAVE RS <i>SW</i>	P215/70R14	2004	NWHEY2TTR2604	2006-08-05	0	2	CO	FORD	AEROSTAR	1993	73	72	71		
1st Quarter 2007	000014T071001DC*	9	22312616	M-M CUSTOM 428A/S <i>SW</i>	P215/70R14	9999	NWHEY2JXR35*	2005-09-29	0	2	LA	NA	NA	9999	99				
3rd Quarter 2007	pending	tbd	25294992	BIG CUSTOM SBR <i>SW</i>	P215/70R14	2003	NWHEY2TDR2913	2007-06-08	0	1	CA	FORD	AEROSTAR	1993	99				
3rd Quarter 2007	pending	tbd	25073912	MOHAVE RS <i>SW</i>	P215/70R14	2004	NWHEY2TTR3404	2006-08-20	1	0	AZ	TOYOTA	TACOMA	1998	71				

\*An update is pending to revise the "TIN" on this incident to "NWHEY2JXR2103" and "ProdYear" to "2003" based on newly received information.

All data (not just EWR)

- PDCs: 76  $\Rightarrow$  0.010% *110ppm*
- Adjustments:  $\Rightarrow$  0.264%

- we could have 43 PD 500k prod

0.2%

Tread, sidewall, bead (no vibration)

higher than avg - crown-related higher proportion

Higher than higher

# Customer Satisfaction Campaign

- Customers will be contacted by mail
  - Large customers sales records
    - Discount Tire
    - Wal-Mart
  - All registered owners
- Consumers will be offered replacement tires at no charge, including mounting and balancing
- Campaign to run from 12/07 – 05/08
- Replacement tires are available

expect 30%  
return rate  
- no expected diff  
for recalls  
empty

sufficient repl  
tires  
- holding more

TBC - our internal  
database  
→ 15% of stores

10/31/2007

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~~10-15%~~ - 10-15% ~~res.~~ res. rate  
Discount! good sales records

month to assemble list  
- GY repl tire Regatta II

**Magno, Gregory <NHTSA>**

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**Subject:** Goodyear wants to visit this week  
**Location:** KDe's Office

**Start:** Wed 10/31/2007 12:30 PM  
**End:** Wed 10/31/2007 2:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Required Attendees:** Magno, Gregory <NHTSA>; Demeter, Kathleen <NHTSA>; Morgan, Tina <NHTSA>; Swanson, Mark <NHTSA>; Green, Donovan <NHTSA>

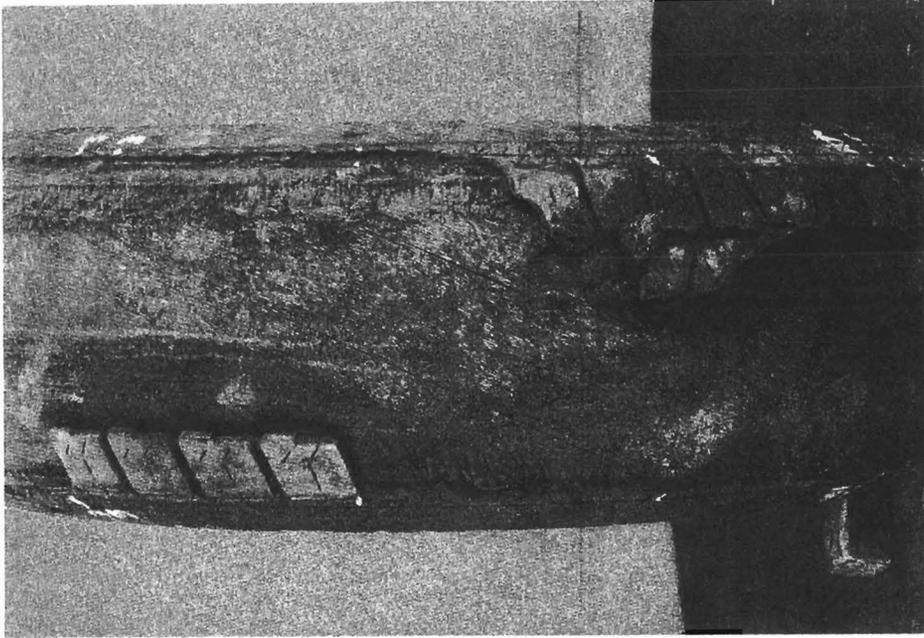
**Optional Attendees:** Quandt, Jeff <NHTSA>

Sim Ford from Goodyear called in yesterday to request a meeting for Wed or Thur or Friday of this week.

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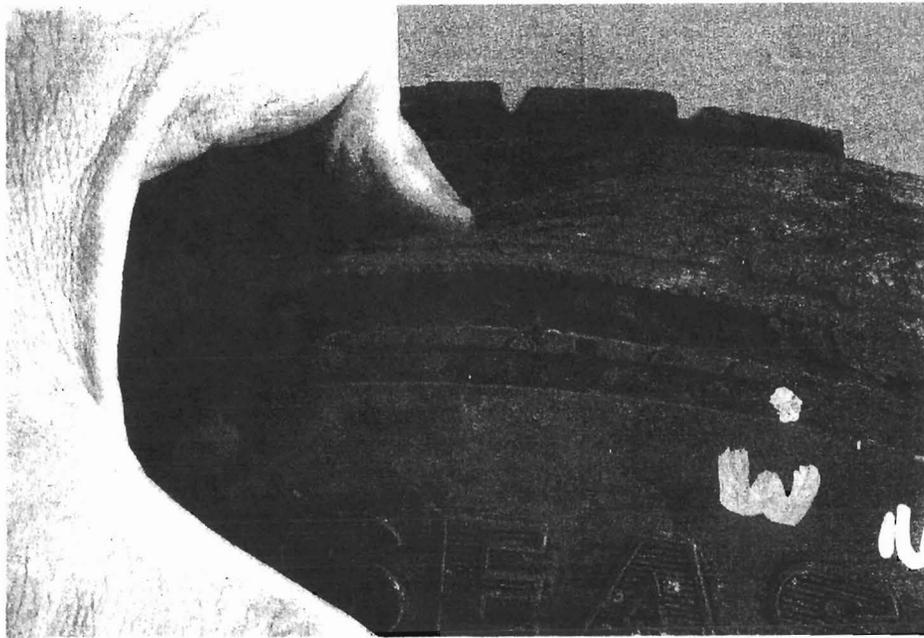
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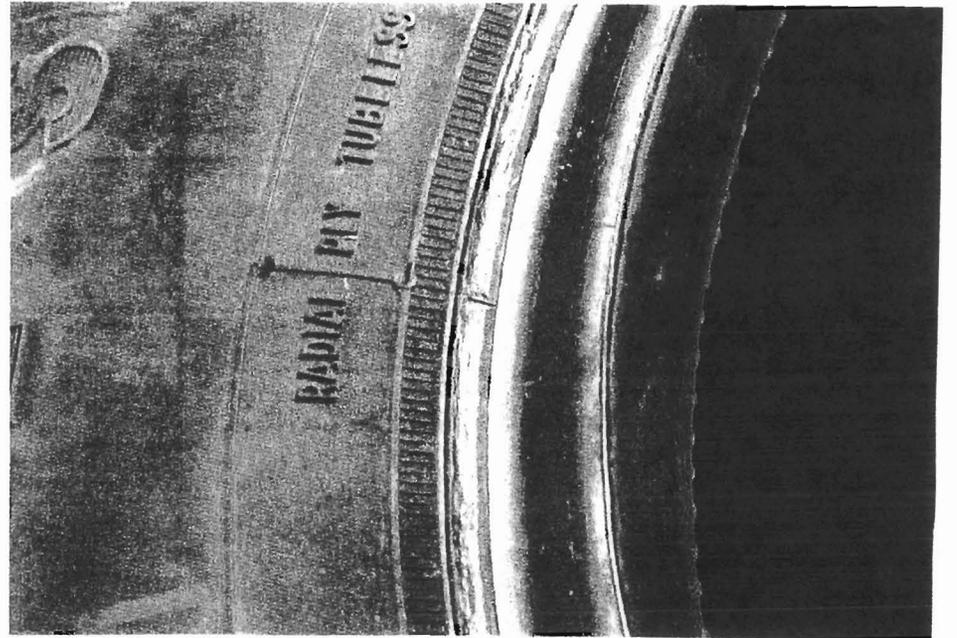
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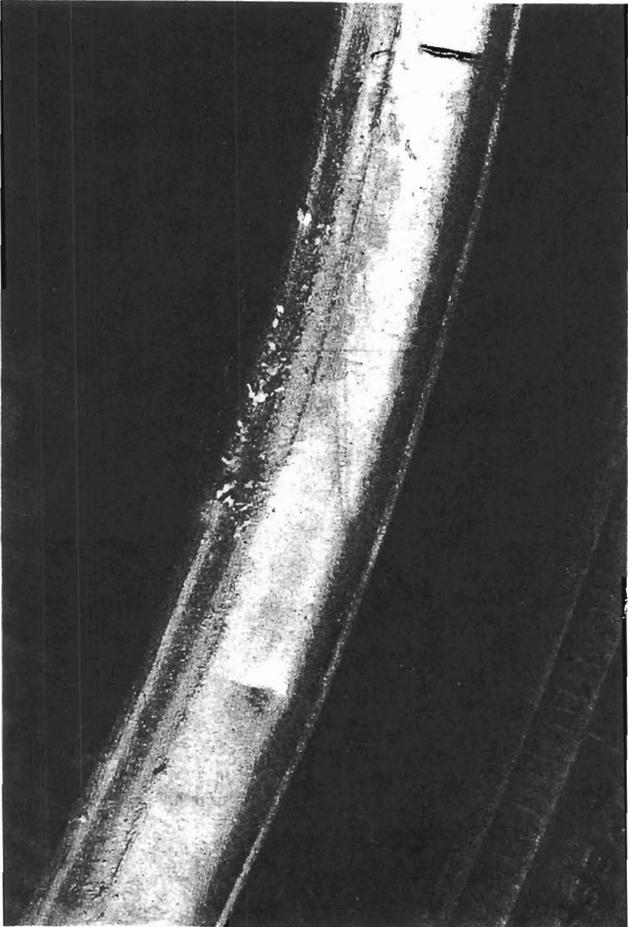
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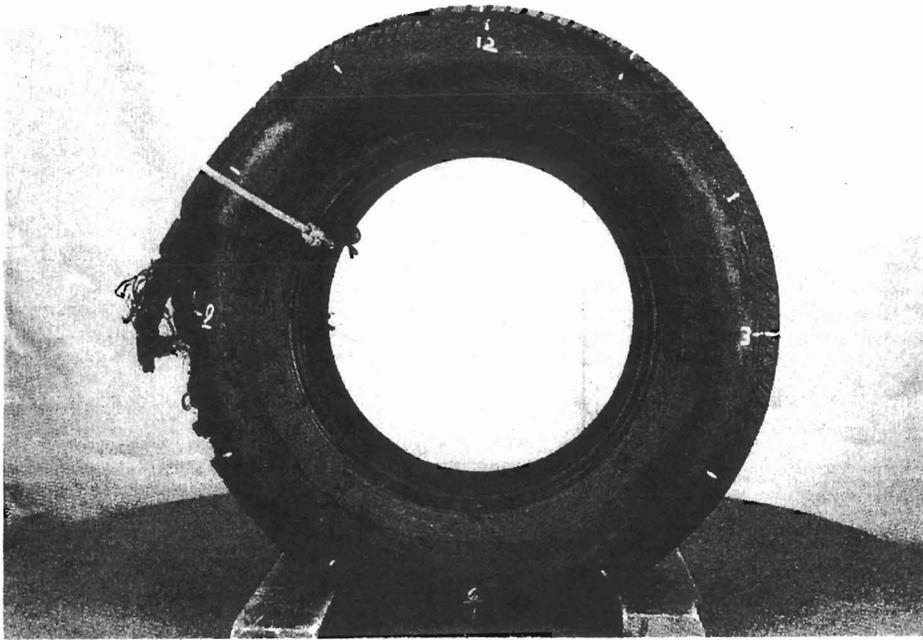
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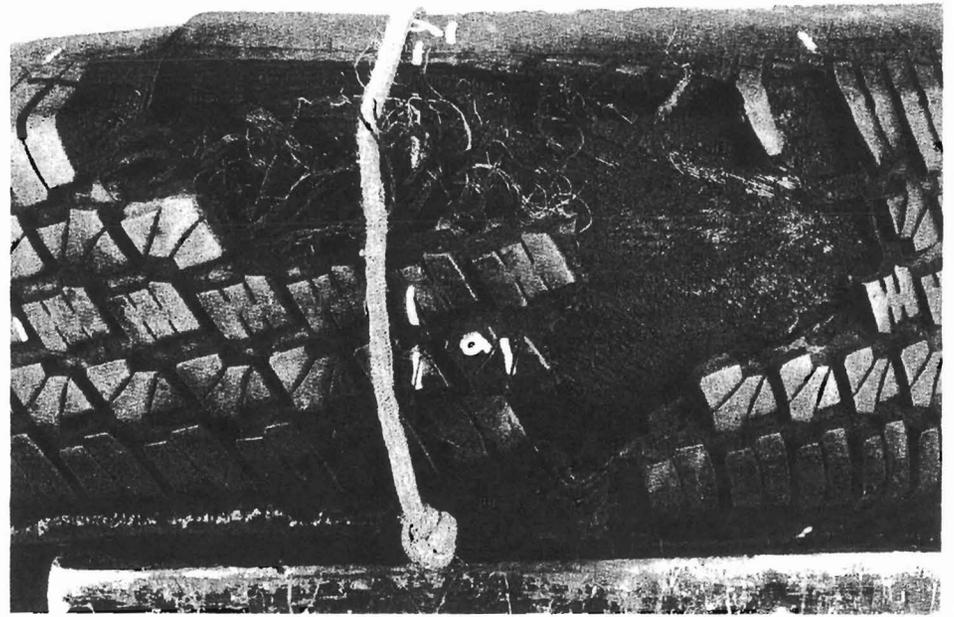
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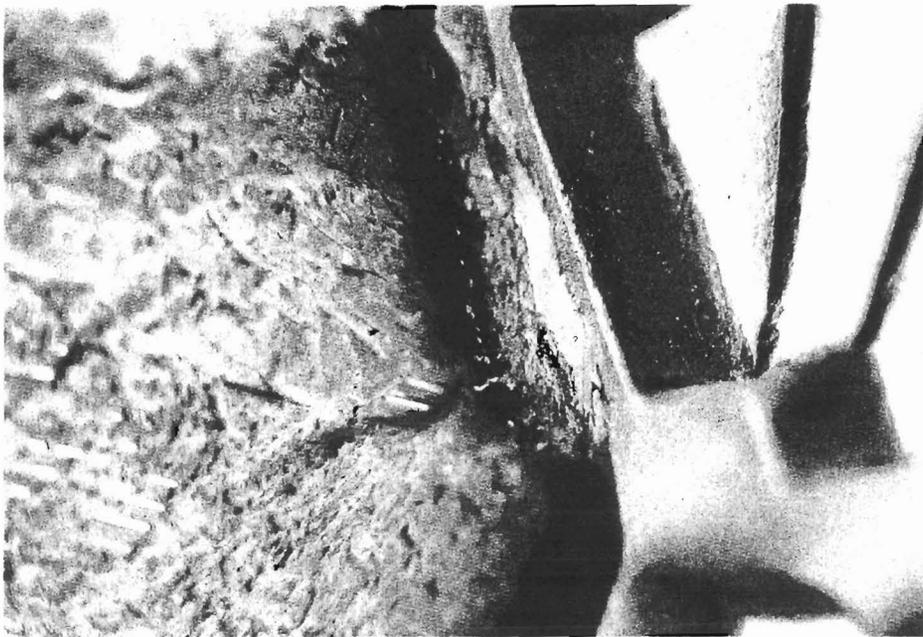
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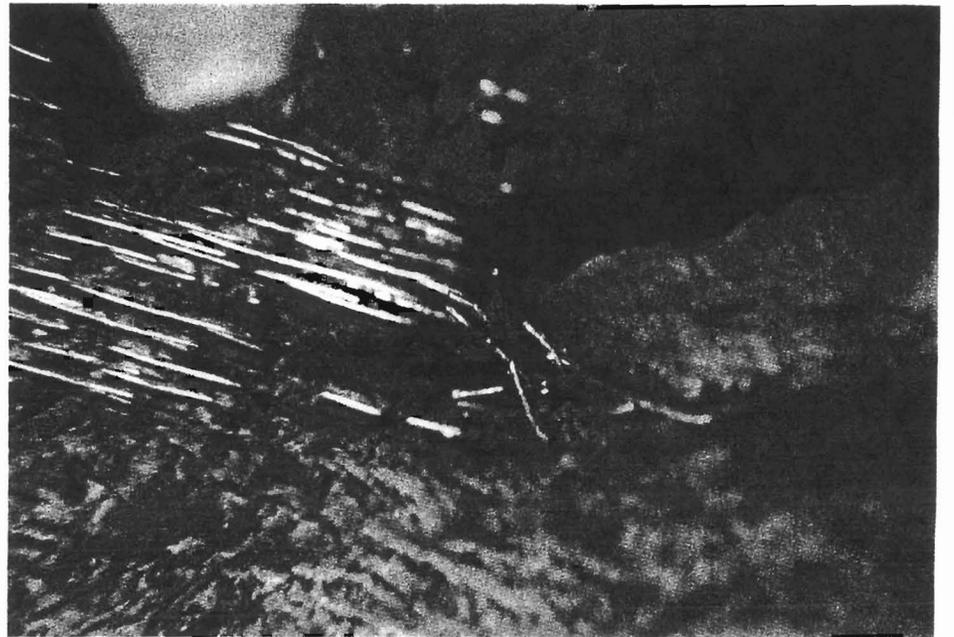
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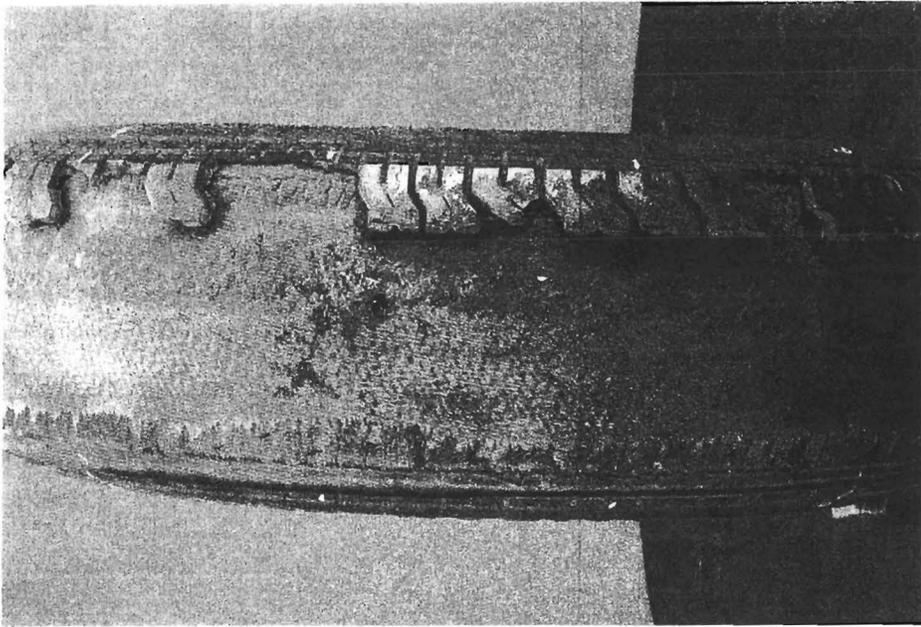
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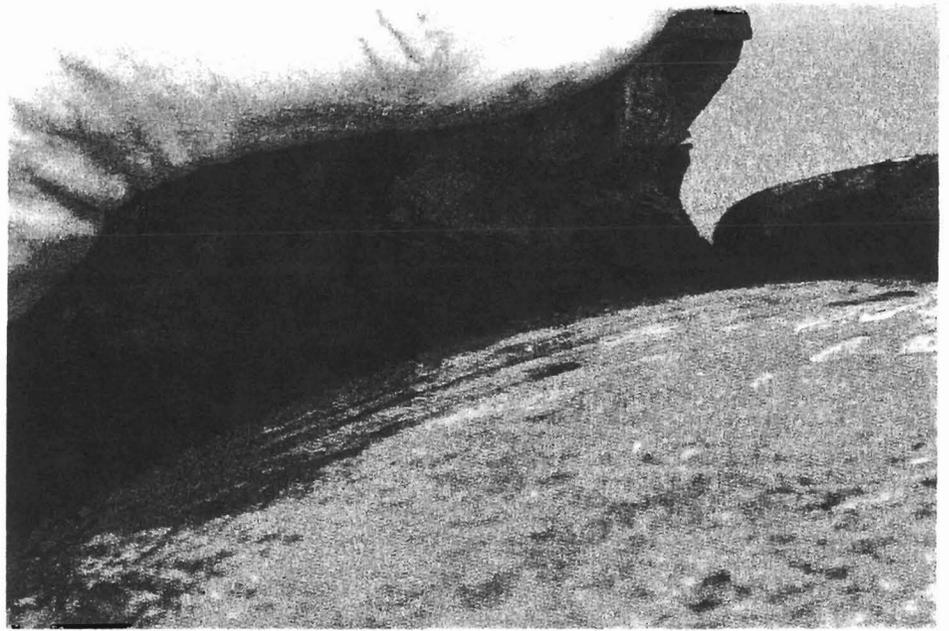
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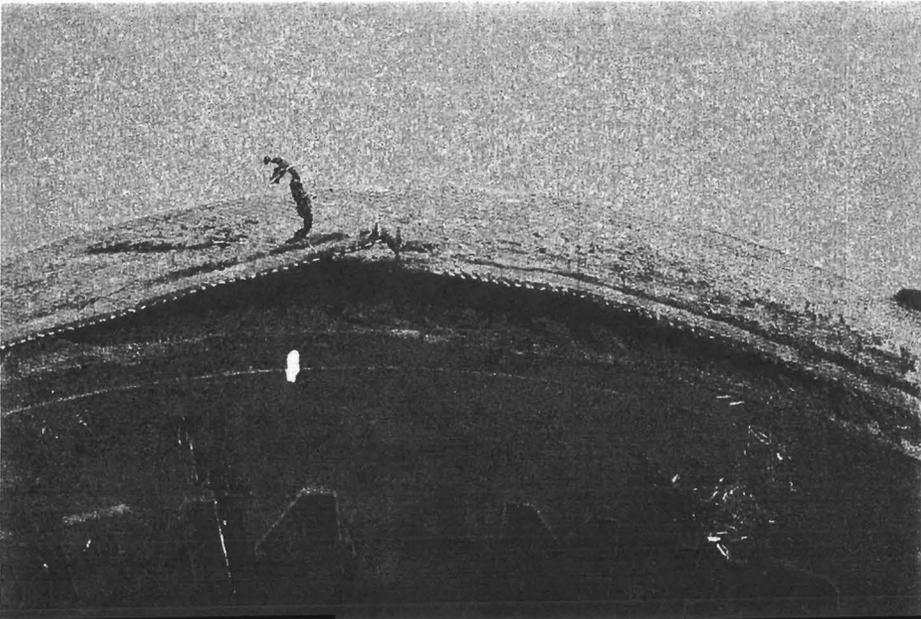
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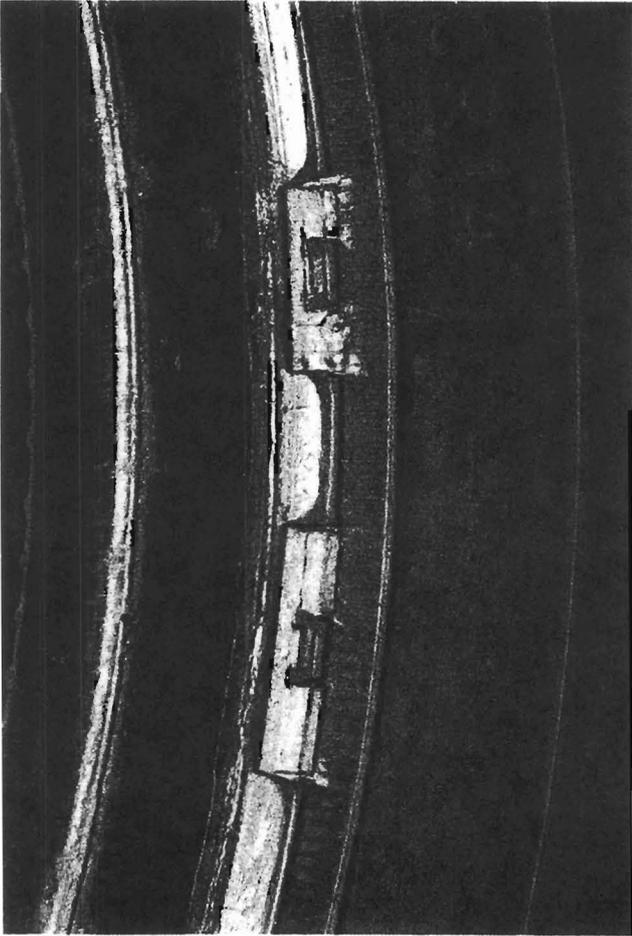
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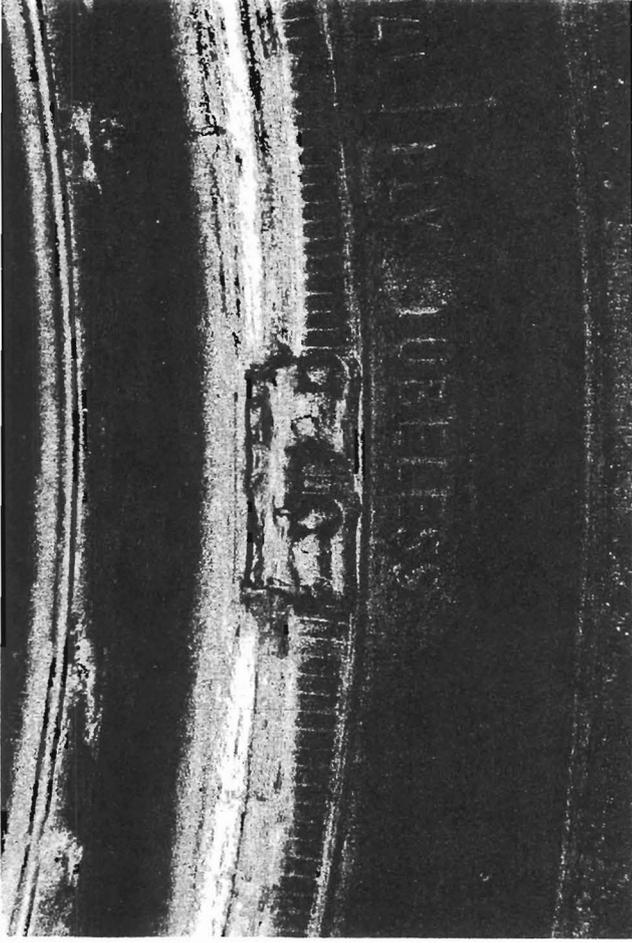
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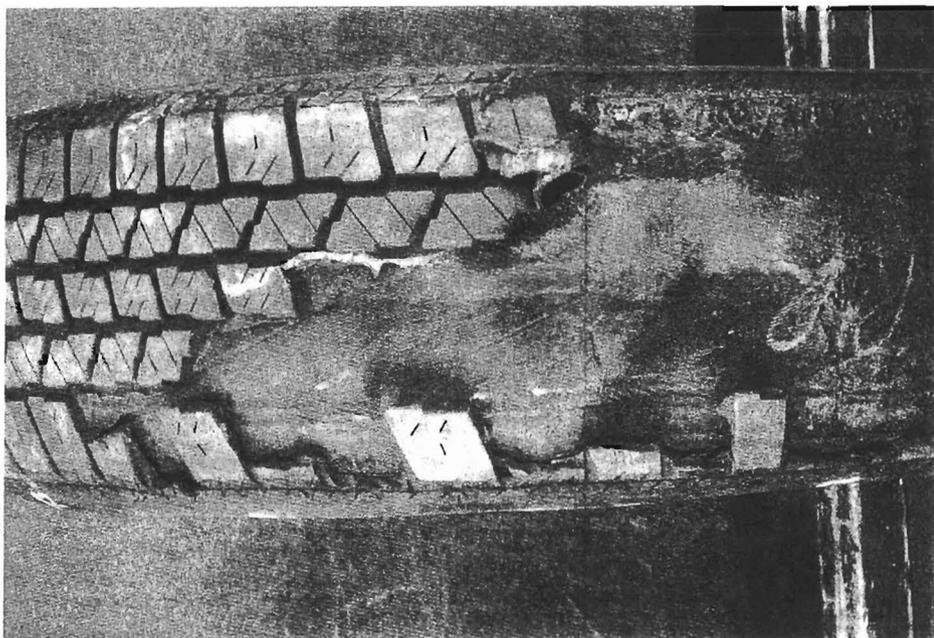
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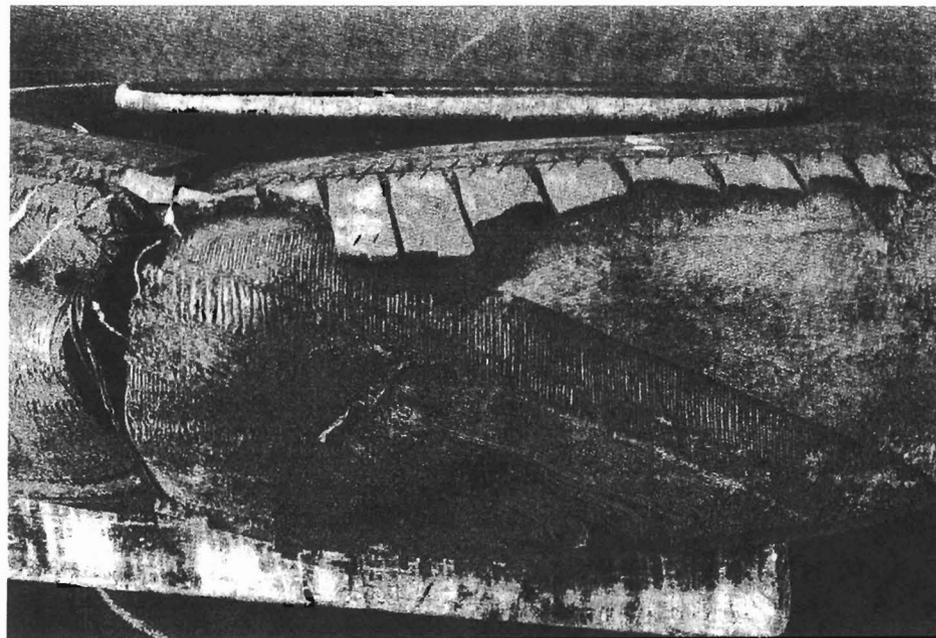
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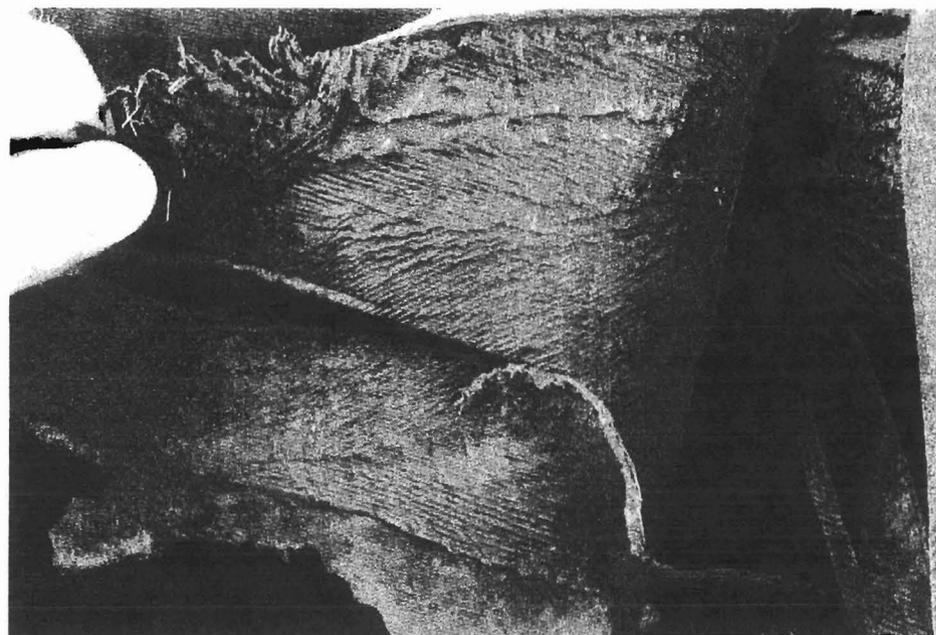
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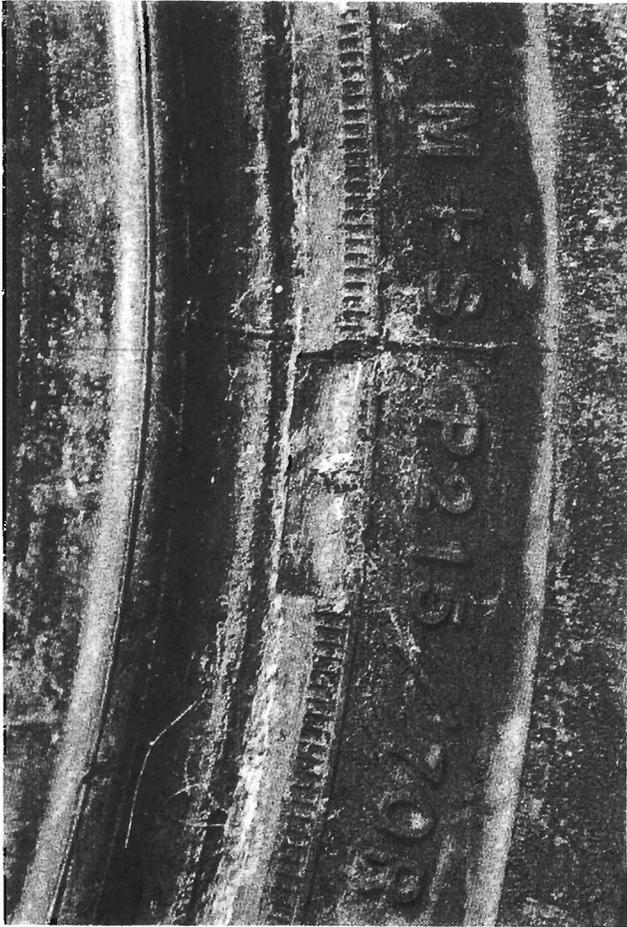
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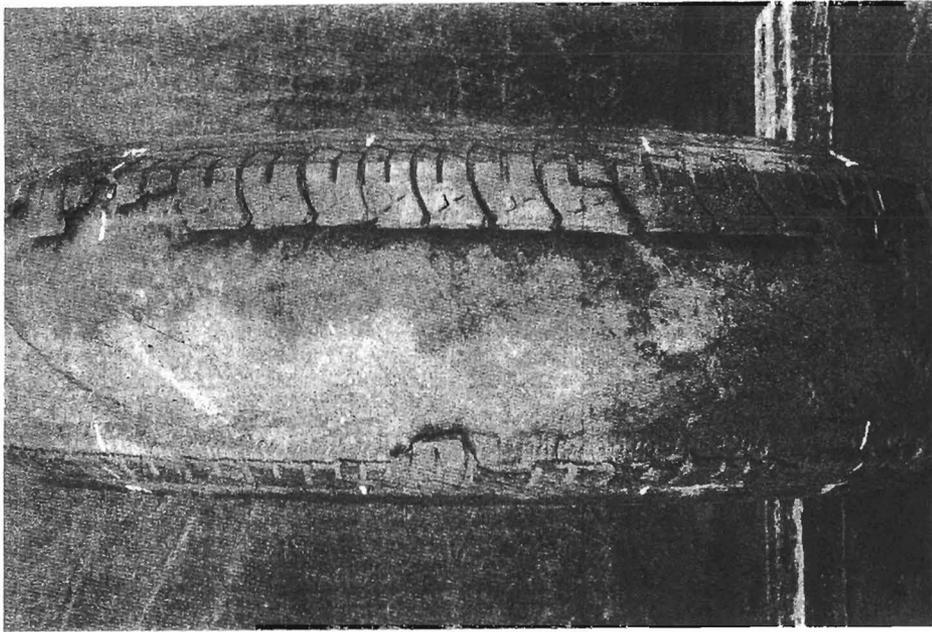
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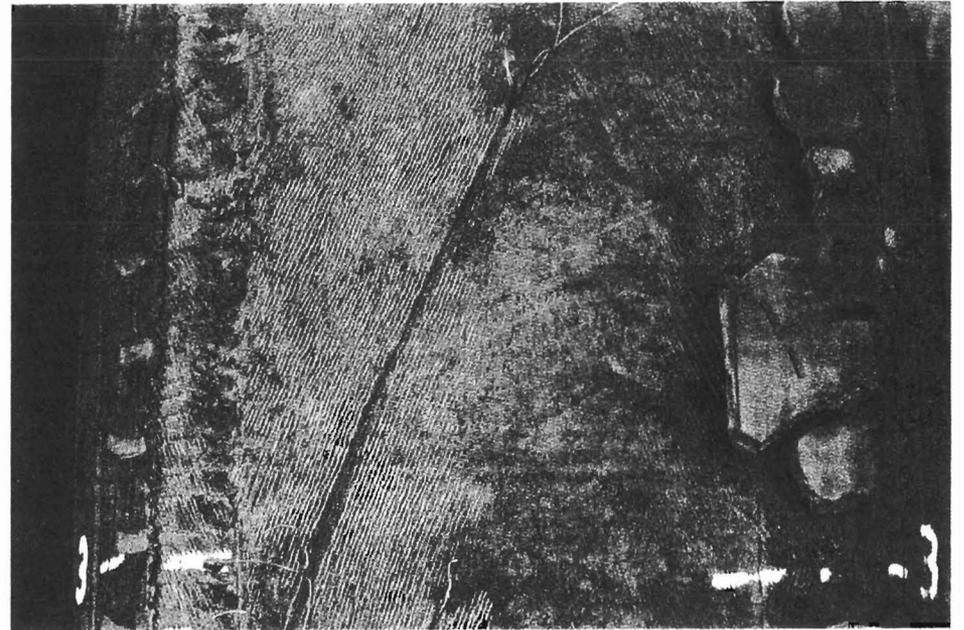
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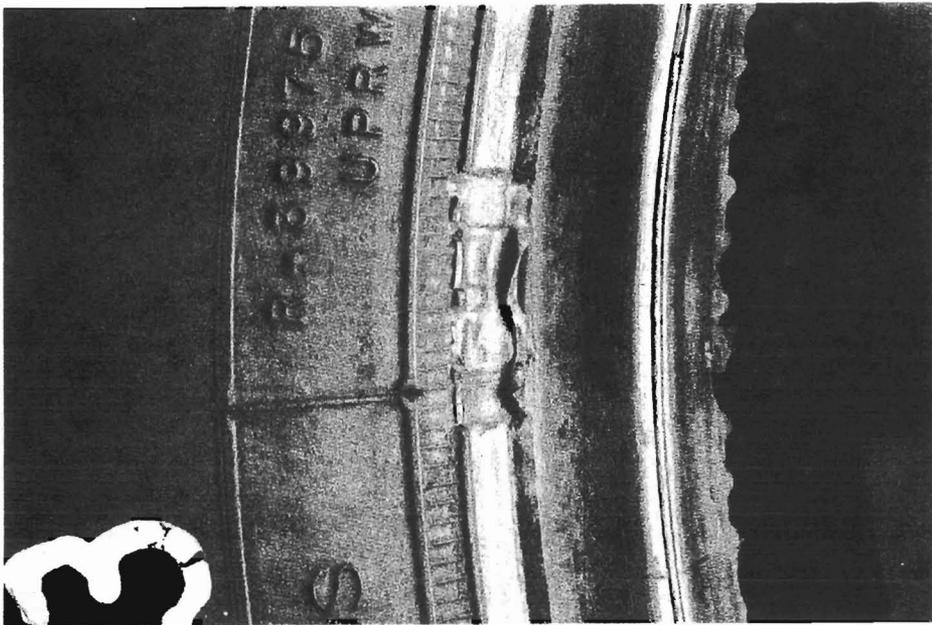
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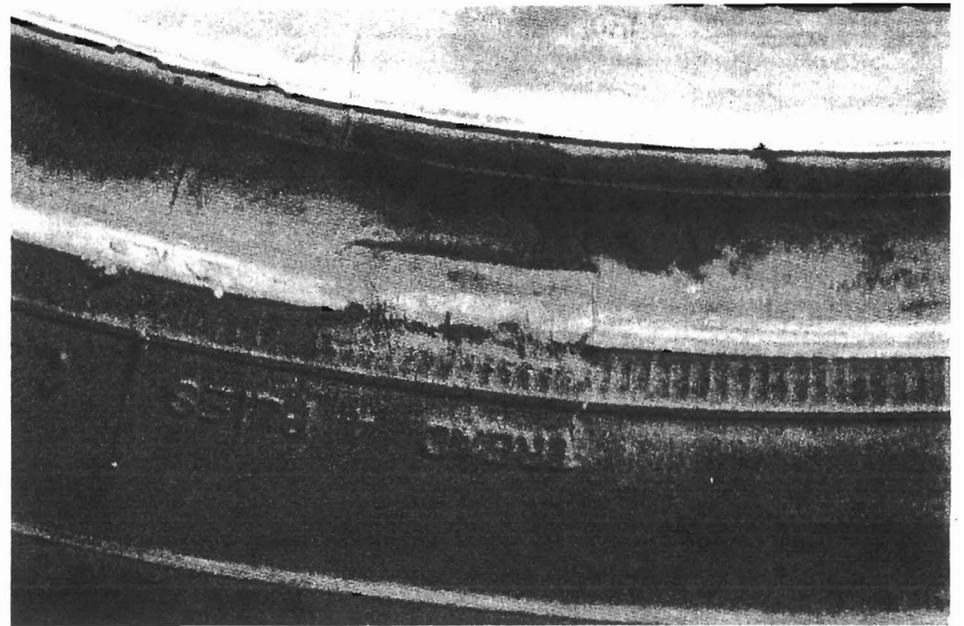
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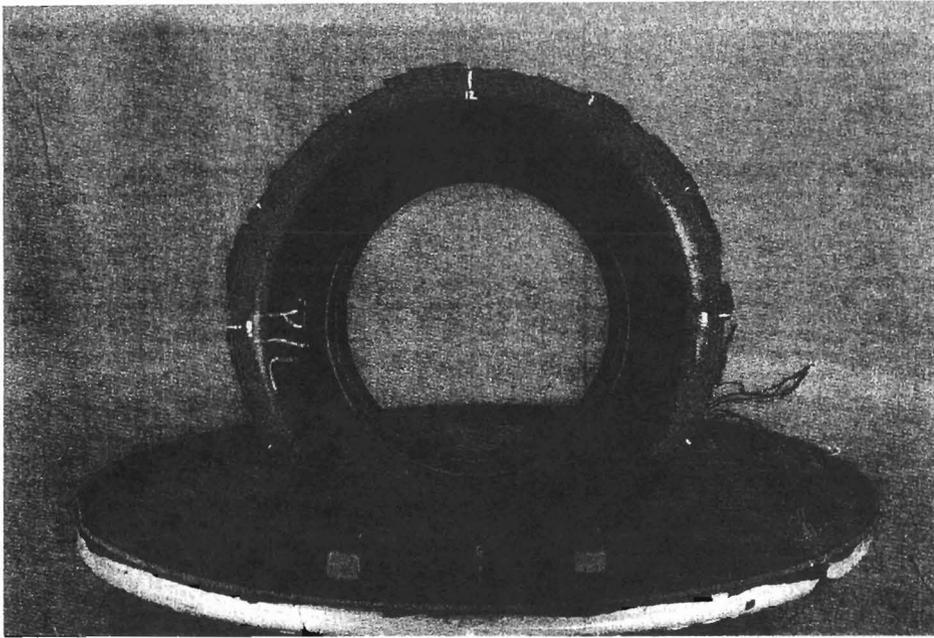
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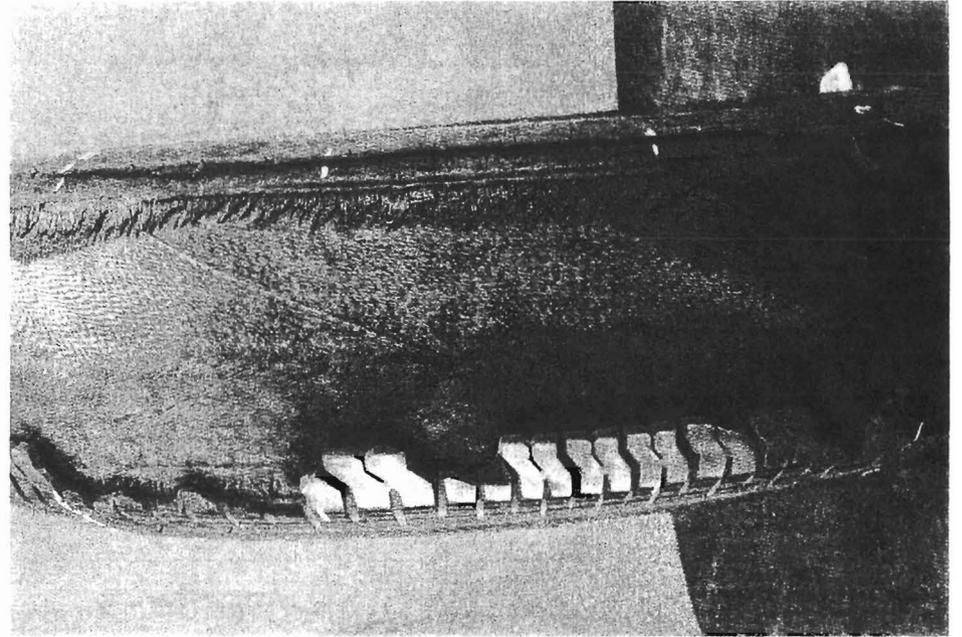
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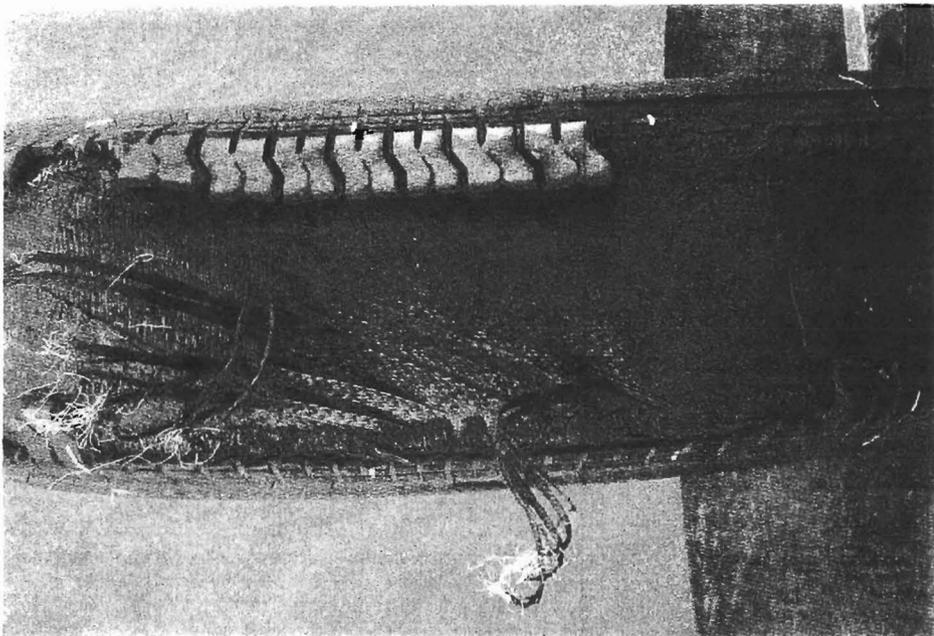
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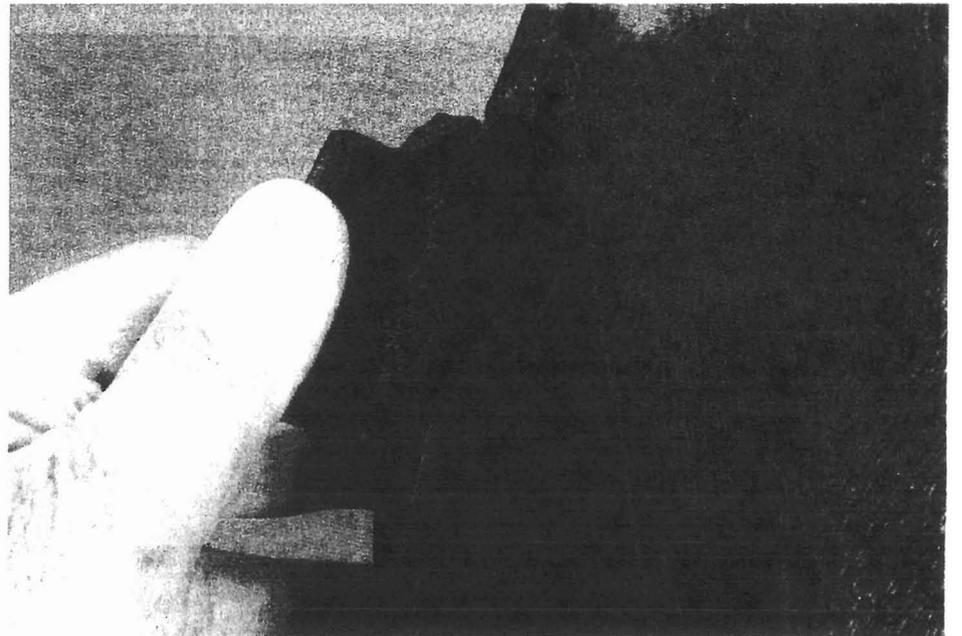
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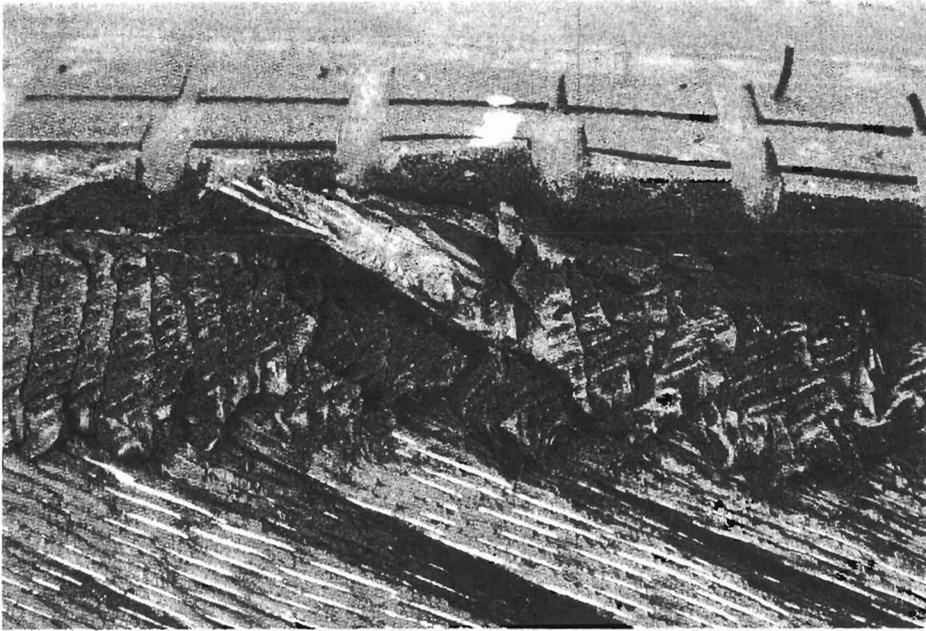
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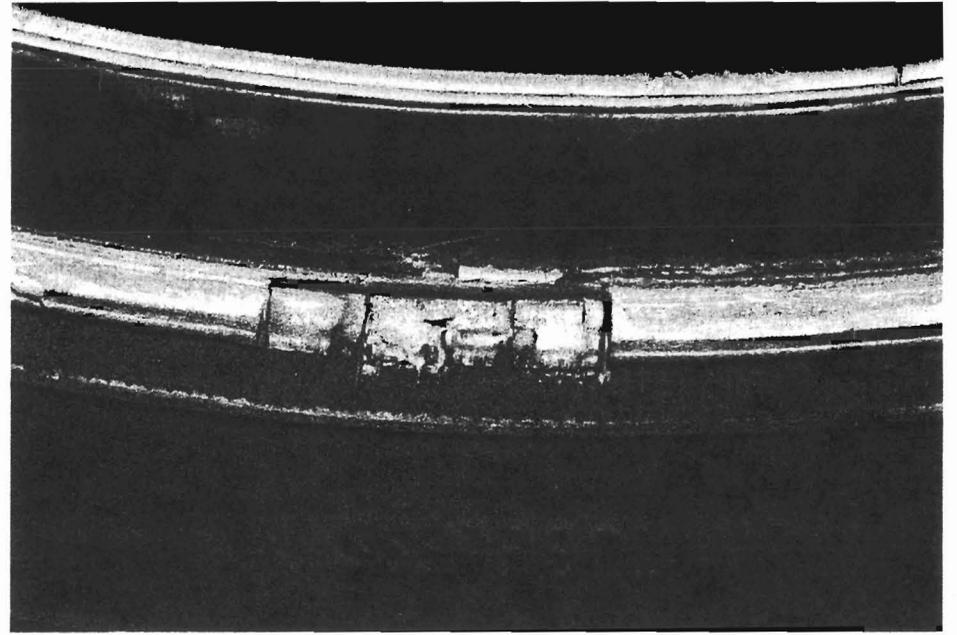
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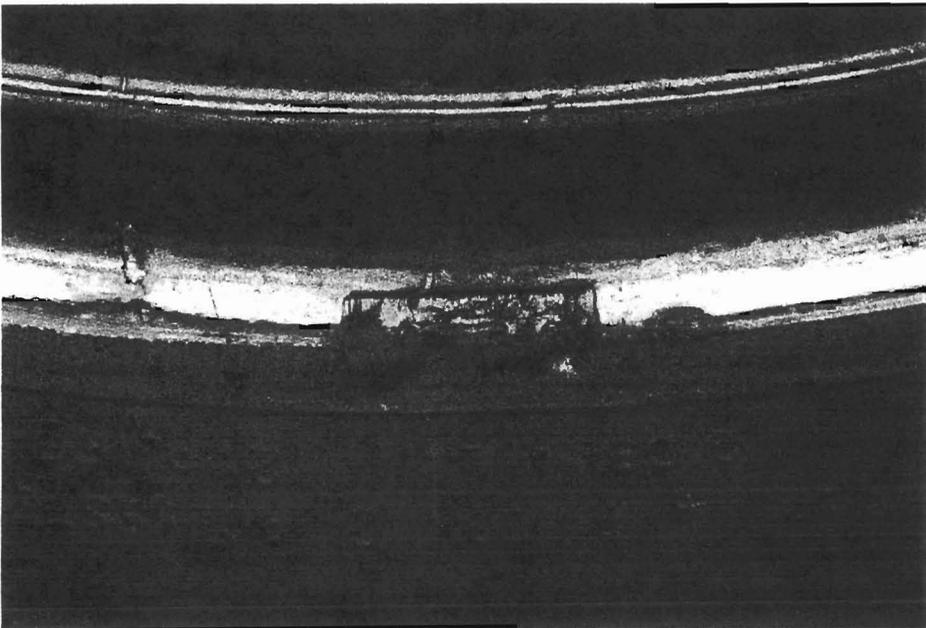
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**The Goodyear Tire & Rubber Company**  
**Akron, Ohio 44316 - 0001**

November 1, 2007

NHTSA  
WASHINGTON, DC 20590  
2007 NOV 28 A 11: 08  
OFFICE OF CHIEF  
COUNSEL

Office of Chief Counsel (NCC-113)  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

**Re: Response to Request for Additional Information Regarding  
215/70R14**

Pursuant to 49 C.F.R. Part 512, The Goodyear Tire & Rubber Company (hereinafter, "Goodyear") seeks confidential treatment of the information submitted in response to a request for additional information regarding the 215/70R14 tire. Attached is the "Certificate in Support of Request for Confidentiality," required under Appendix A to 49 C.F.R. Part 512, as well as a Verification Affidavit. Other specific information required by 49 C.F.R. Part 512 is provided below.

Information Supporting Goodyear's Request for Confidentiality

The data contained on those pages marked "CONFIDENTIAL" is considered business information the disclosure of which would be detrimental to the business interests of Goodyear. The release of this data to the news media and /or others, who do not have and would not take time to acquire benefit of the full explanation of this data, would be totally detrimental to Goodyear. Any of the data standing alone, or in combination with other data submitted to NHTSA, could be taken out of context and used by those so inclined to discredit Goodyear's image in the minds of the consuming public.

For these reasons, there is attached an affidavit in support of Goodyear's request for confidentiality with respect to the information supplied in response to this request.

Page 2  
November 1, 2007  
Office of Chief Counsel (NCC-113)  
National Highway Traffic Safety Administration

Thank you in advance for your consideration of this request for confidential treatment of the response. Additionally, the Affidavit that verifies the responses is also attached. Please direct all correspondence concerning Goodyear's request for confidentiality directly to me.

Sincerely,

A handwritten signature in cursive script that reads "Simeon S. Ford".

Simeon S. Ford  
Manager, Government and Customer Compliance  
The Goodyear Tire & Rubber Company

VERIFICATION AFFIDAVIT

STATE OF OHIO )  
 ) ss.:  
COUNTY OF SUMMIT )

I, SIMEON S. FORD, being duly sworn, depose and say:

(1) That I am the Manager, Government and Customer Compliance for The Goodyear Tire & Rubber Company ("Goodyear"), and that I am authorized by Goodyear to execute this affidavit on its behalf.

(2) That the information contained in the response to the request for additional information regarding the 215/70R14 has been provided where it is available from within Goodyear.

(3) I verify that the matters stated therein are not within my personal knowledge; that the facts stated therein have been assembled by authorized employees and counsel of Goodyear and I am informed that the facts therein are true.

*Simeon S. Ford*  
\_\_\_\_\_  
Simeon S. Ford, Manager  
Manager, Government and Customer Compliance  
The Goodyear Tire & Rubber Company

Sworn to before me, a Notary Public, this 1<sup>st</sup> day of November, 2007.

*Lori A. Skillman*  
\_\_\_\_\_  
Notary Public

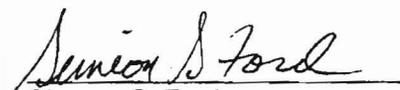
LORI A. SKILLMAN  
Notary Public  
State Wide Jurisdiction, Ohio  
My Commission Expires  
October 20, 2009

## CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, **Simeon S. Ford**, pursuant to the provisions of 49 CFR Part 512, state as follows:

- (1) That I am the Manager, Government and Customer Compliance for The Goodyear Tire & Rubber Company ("Goodyear"), and that I am authorized by Goodyear to execute this certificate on its behalf;
- (2) I certify that the information contained in the response to the request for additional information regarding the 215/70R14 (hereinafter "subject information") is confidential and proprietary data, would likely cause substantial competitive harm to Goodyear if released to the public and is therefore being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(3) and (4);
- (3) I hereby request that the subject information be protected for an indefinite period of time;
- (4) This certification is based on the information provided by the responsible Goodyear personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside Goodyear;
- (5) Based upon that information, to the best of my knowledge, information and belief, the information for which Goodyear has claimed confidential treatment has never been released or become available outside Goodyear or its affiliates in such detailed form, except as required in litigation;
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations as to whether this information may become available outside Goodyear because of unauthorized or inadvertent disclosure (except as stated in paragraph 5); and
- (7) I certify under penalty of perjury that the foregoing is true and correct.

Executed on this the 1<sup>st</sup> day of November, 2007.



Simeon S. Ford,  
Manager, Government and Customer Compliance

# The Goodyear Tire & Rubber Company

Akron, Ohio 44316-0001

NOV 26 P 2:08  
OFFICE OF CHIEF  
COUNSEL  
NHTSA  
WASHINGTON, DC 20590

VIA FEDERAL EXPRESS

(202-366-5226)

November 1, 2007

Gregory Magno  
Chief, Office of Defects Investigation  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

RE: Response to Request for Additional Information regarding 215/70R14

Dear Greg:

You requested additional information regarding the eight incidents we discussed regarding this tire.

We are submitting this additional information in the order shown on page 4 of the material I gave you yesterday (i.e. Tab 1 contains information for the first file on page 4, etc.).

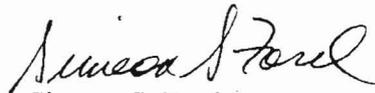
Certain of the information submitted herewith is confidential and proprietary as it contains confidential, work product, self-critical analysis information that is not customarily released to the public by Goodyear. It would likely cause substantial competitive harm to Goodyear if this information is released to the public and is therefore being submitted with the claim that it is entitled to confidential treatment under USC 552(b)(3) and (4).

Attached are the Certificate in Support of Request for Confidentiality and the Verification Affidavit from Simeon S. Ford, Manager, Government and Customer Compliance. Goodyear respectfully requests that this additional information remain confidential for an indefinite period of time.

Page 2  
November 1, 2007  
Gregory Magno  
Chief, Office of Defects Investigation

Please do not hesitate to contact me if you have any questions about this.

Very truly yours,

A handwritten signature in black ink, appearing to read "Simeon S. Ford". The signature is written in a cursive style with a large initial 'S'.

Simeon S. Ford  
Manager, Government and  
Customer Compliance

Enclosures

G. Magno  
NVS-211

Simeon S. Ford  
Manager, Government and Customer Compliance  
The Goodyear Tire & Rubber Company  
1144 East Market St.  
Akron, OH 44316-0001

MAR 17 2008

Re: Requests for Confidential Treatment for Information Regarding 215/70/14

Dear Mr. Ford:

This responds to your November 1, 2007 request for confidential treatment for Goodyear Tire & Rubber Company (Goodyear) information submitted in response to a request for additional information by the Office of Defects Investigation in the above matter. You request that the materials be granted confidential treatment for an indefinite period of time.

Goodyear seeks confidential treatment for information it considers to be confidential, work product and information that is not released to the public. This data is contained on the pages marked "CONFIDENTIAL." Your letter and accompanying certificate indicate that the information provided is confidential and commercial data that has never been released or become available outside Goodyear and its affiliates.

I have decided to grant your request.

Goodyear provided this information voluntarily and was not required to submit this information under 49 U.S.C. § 30166 or other authority. Accordingly, I have reviewed your request under the principles set forth in *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C. Cir. 1992).

Under the test set forth in *Critical Mass*, financial or commercial information provided to the government on a voluntary basis is "confidential" for purposes of Exemption 4 of the Freedom of Information Act if it is the kind of information that would customarily not be released to the public by the submitter. Your certificate indicates that Goodyear has never released the data and it is not available outside Goodyear and its affiliates. A review of the information for which confidential treatment is sought (Goodyear's analyses of individual claims) indicates that this data is not publicly available. Therefore, I am according confidential treatment to the information contained in your submission.

Subject to the conditions below, this grant of confidential treatment will remain in effect indefinitely.

This grant of confidential treatment is subject to certain conditions. The information may be disclosed under 49 CFR § 512.22 based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 CFR § 512.10). If necessary, you will be notified prior to the release of any information under the procedures established by our regulations (49 CFR § 512.22(b)).

Sincerely,

**Original Signed By**

Otto G. Matheke, III  
Senior Attorney

OCC:Adimarsico:65263:cyt: 1/29/08 (printed in final 2/25/08)

Printed w/edits 3/6/08

NCC-111 subj/chron, ad, om, cyt **NCC07-006910**

Info: NVS-211: G. Magno (w/enclosure)

NCC/Confidentiality/misc07/Goodyear07-006910ajd.doc