Magno, Gregory (NHTSA)

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

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From:	<u>Gillesoie, George <nhtsa></nhtsa></u>
То:	<u>Magno, Gregory <nhtsa></nhtsa></u>
Subject:	FW: Press Release and FAQ for Goodyear Campaign
Date:	Friday, November 30, 2007 5:54:50 PM
Attachments:	Microsoft Word - GOODYEAR-FAO-P215 doc ., 113007, 155044.pdf
	Goodyear P215 Campaign News Release.pdf

Greg,

Sim asked me to forward this to you.

George

-----Original Message-----From: 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.

То

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

<u>FAQ</u> <u>Goodyear Customer Satisfaction Campaign</u> <u>P215/70R14 Tires</u>

- 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.
- Q If there is only one tire involved, why are their 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)

Q If Goodyear cannot find a defect, what did they see in the data to prompt them into taking this action?

-2-

- 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)

Company Confidential

- 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)

- 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.

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

News Release

Media Website: 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.

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. 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 underinflated, 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.

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From	sford@goodyear.com
To:	Magno, Gregory <nhtsa></nhtsa>
Subject:	tires
Date:	Friday, November 16, 2007 11:38:47 AM

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

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

EARNESTINE BENNETT

FILED:

VS. NO. 06-274

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

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

١.

represents:

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:

- 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.

Acrostar 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

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to a rest, overlurned, 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.

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.

4.

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 day of October, 2006.

Respectfully submitted,

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

22213 odore J

Please serve the following Defendants:

DELTA TIRE, INC. By aixl through its Registered Agent Thomax 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: ()total 10, 2000

VS. NO. 06.214

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

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.

١.

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 fire 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.

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:

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- 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
- 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 on 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;
- 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 enpacity.

ł

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.

G.

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 domand until paid, all allowable court costs, including, but not limited to the fees of all expert witnesses.

DATED this 6 day of Clober, 2006.

Respectfully Submitted,

LAW OFFICE OF THEODORE J. COENEN, IV 3001 ARMAND, SUITE A MONROE, LA 71201 TELEPHONE (318) 322-7004 FACSIMILE (318) 312-00847 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. Hantmack 313 Rue Louis XIV, Ste IV Lafayette, LA 70508

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EAST CARROLL SHERIFF TAX

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

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P.84/98

318 559 2567

AT APPROXIMATELY 1745 HOURS, ON 29 September 2008, I WAS DISPATCHED TO A VEHICLE CRASH ON Han at Millerost 142.9. Upon my arrival I observed a 1997 Ford van Lying on its night side in the inside Lane of west bound has. The vehicle was facing north. (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 L21 WHEN THE NIGHT REAR THE RUPTURED. AS A RESULT, THE DRIVER LOST CONTROL OF THE VEHICLE. THE VEHICLE THEN TRAVELED NORTH EAST INTO THE MEDIAN, SDATY-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 120, 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 REOPLE:

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DODODODE STATED THE VAN WAS EAST BOUND ON 1-20 WHEN THE DRIVER LOST CONTROL DUE TO A TIRE BLOWING OUT.

D6D6D6 STATED THE VAN WAS EAST BOUND ON 1-20 WHEN THE DRIVER LOST CONTROL AFTER THE RIGHT REAR TIRE BLEW OUT.

THEN TRAVELED TO THE HOSPITAL WHERE I MADE CONTACT WITH THE DRIVER, IDENTIFIED AS D6D6D6D6D6 D6D6D6D6 STATED SHE WAS EAST BOUND AT APPROXIMATELY 75 MPH WHEN THE RIGHT REAR THE BLEW OUT. SHE THEN LOST CONTROL OF THE VEHICLE AND TRAVELED INTO THE MEDIAN WHERE THE VEHICLE ROLLED OVER.

I THEN MADE CONTACT WITH <u>OFFICER MICHAEL ADKINS</u> OF THE RAYVILLE POLICE DEPARTMENT. HE STATED HE HAD JUST PARSED THE VAN AS HE TRAVELED EAST ON 1-20. AFTER PASSING THE VAN HE LOOKED INTO HIS MIRROR AND OBSERVED THE RIGHT REAR THE OF THE VAN BLOW OUT. HE THEN OBSERVED THE VAN ENTER THE MEDIAN AND BEGIN ROLLING OVER.

OCT-11-2925 29:29	EAST CARROLL SHERIFF TAX STATE OF LOUISIAN UNIFORM MOTOR VEHICLE TRAFFI NARRATIVE/DIAGRA	M REPORT
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0CT-11-2005 09:29 EAST CARROLL SHERIFF TAX 318 559 2567 P.06/08

DATE 9/24/2005 174998 - 0'S. INDERVISION MOTOR VEHICLE DATAFIC CRASH REPORT DRIVERVITINES VOLUNTARY STATEMENT DRIVERVITINES VOLUNTARY STATEMENT DATE 9/24/2005 1497 IME 1740 AS PLACE I-20 EAST BOUND 193 MILE MARKER I, <u>CRACER MICHAEL SCORT ADDRESS #5322 PANNUE POLICE</u> AM D6060 YEARS OF AGE, MY ADDRESS IS D60606060606060606060606060606060606060
ON 9/29/2005 AT APPEN 1790 HES, I, OFFICER MICHAEL SIGT ADKING #522, WAS TRAVELING FAST RUMAN ON I. 20 AT AROUT TO MPH. I PASSED AT EAST CARPOLL SHEEFER HUMATE. TRANSPORT VAN TRAVELING. IN THE SAME DIRECTOR, AT ABOUT 60 - 65 MPH. AFTER MOUNT THE VAN WHICH WAS TRAVELING. IN THE USUBE LANG I LOOKED IN MY MIRROR TO MARE A LONE CARNER. AT THAT TIME I ORSEENED WHIT APPEARED TO BE THE BIG PARAFULAR THE BLOOM OUT. I IMMEDIATELY BEACH SUMME THEY DOLD AND TOUGO BY VEHICLE TO THE REDARD. I WATCHED THE WAN SWEEVE TO THE LEFT AT ABOUT A 90° ANGHE THEY STERIGEN IT BUED OVER THE BLOOK AT HAVE AND SWEEVE TO THE LEFT AT ABOUT A 90° ANGHE THEY STERIGEN IT BUED OVER THE ASSENT HAVE MARE THE THE SAME OF THE DESTRICT A PROVE AND A 90° ANGHE THEY STERIGEN IT PAULO OVER THE ASSENT STERIGE THE VAN SWEEVE TO THE LEFT AT ABOUT A 90° ANGHE THEY STERIGEN IT PAULO OVER THE ASSENT HAVENAREIES UNTIL IT CAT INTO THE MEDIAN. OFTO THE VERYLE NOT TRAVELE OF AND A SAME AND A STOR ABOUT ENK TIMES BEFORE CONTRA THE ALLOS AND AND HE WEET AND THE A FRANCE AND 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: MALLOW #522 RAVING PAIL OFFICER TAKING STATEMENT: <u>Str Mage 1. Jours</u>
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OCT-11-2005 09:29 318 559 2567 P.07/08 EAST CARROLL SHERIFF TAX COMPUTER NUMBER PAGE OURSIANA 2557998-06 STATE AFTIC CRASH REPORT UNIFORM MOTOR \ DRIVERWITNES TARY STATEMENT 605-1497 DATE 9/29/05 TIME TID PLACE I- LO Ear b6b6b6b6b6b6b6 b6b6 YEARS OF AGE. AM control of ravellas sugerte information nd day Am 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: 5/1 Ter drue SIGNATURE: 5/7 CTIGATING OFFICER'S WITH DPSEP S111 FEX JAN 2005

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ARIZONA TRAFFIC ACCICENT REPORT ID						
SUPPLEMENT	YEAR MONTH CAY	HOUR	NCIC NO.	OFFICERS'S ID NO.] ·	
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ACCIDENT DESCRIPTION (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.

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DPS 802-01035 12/98

RIZONA TRAFF C ACCIDENT REPORT REPORT ID					Agency Report Xumber		
SUPPLEMENT	YEAR	HONTH	CAY	HOUR	NCIC NO.	OFFICERS'S ID NO.	
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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.

Officars Signature	Sadge Ho	Data
R Wallin	5058	2006/09/09

1 01-2707 2/92

DPS 802-01036 12/00

ARIZONA TRAFFIC ACCIDENT REPORT SUPPLEMENT FORWARD COPY TO: ACCIDENT ANALYSIS UNIT 064R ARIZONA DEPARTMENT OF TRANSPORTATION

206 S. 17TH AVE., PHOENIX, AZ 85007-3233

Agency Report Number: 2006-044	4928
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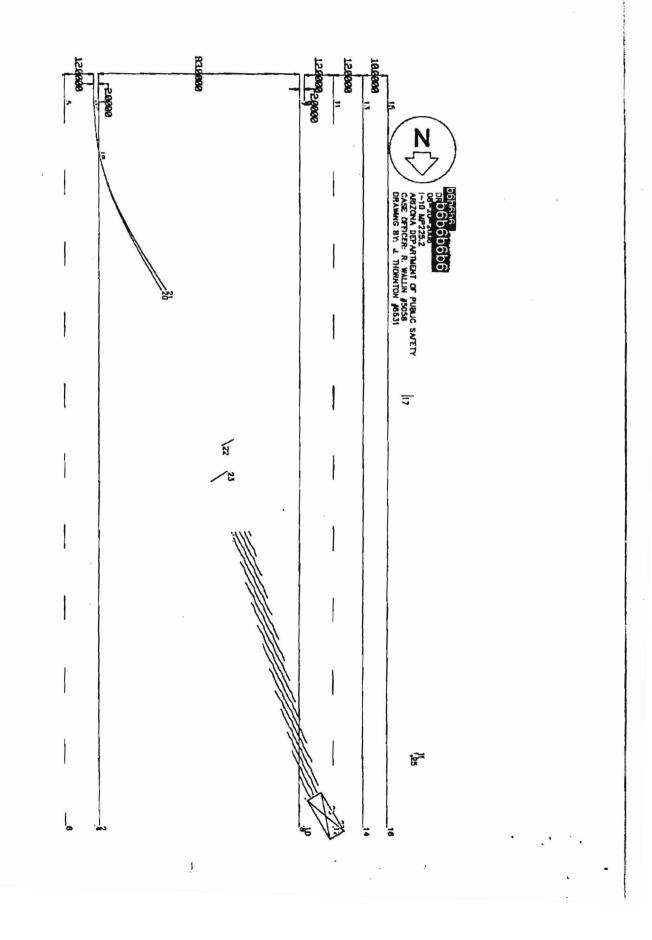
REPORT ID: 2006-044928

YEARMONDAY	HOUR	NCIC NO	· OFFICER'S TO NO.
06/08/20	0230	0799	6034

SUPPLEMENT BY OFF. G. MANJARRES #6034:

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 MID60606 cell phone number.

I called the cell phone number and spoke to Mr and the time. Due to the exigent circumstances, I made next of kin notification on 08/20/06 at 0720 hours via telephone.



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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
- 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

P215/70R14 – Private Brand

- Private brand tires supplied to multiple customers -
- ⁹⁷Wal-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 from a lot new designs and molds were being introduced
 - Estimate approximately 400,000 tires remain in service

S.A. White wall Only

10/31/2007

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	probably the purchast 14" tire	92	tsppn:	2403-06: 22PD 2 1 E 1000					
	TIRE DESCRIPTION	NUMBER PRODUCED	DOT SERIAL BEGINS WITH	Prote - Produing 7 - 7					
P215/70R14	DOUGLAS XTRA-TRAC A/W	430,228	NWHY	135 PPM					
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	X					
P215/70R14	TURBO TECH VANDERBILT A/S II	3,497	NWHY	*					
P215/70R14	MULTI-MILE EPIC PLUS	5,557	NWHY	× ptrood 2 PD cling 6					
P215/70R14	MULTI-MILE CUSTOM 428	21,469	NWHY	6 GUPPM					
P215/70R14	BIG O CUSTOM SBR	39,354	NWHY	× ptroou 2 pocicing 6 × ptroou 2 pocicing 6 × ptros 3 pp cicing 7th 12 a ppm					
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	× Promot 40pph iz of 3 sepper 1 × 04 3 sepper 1					
P215/70R14	REPUBLIC ENSIGN	48,643	NWHY	05 1 Hoppin 1					
P215/70R14	ROCKY MOUNTAIN ALL SEASON	5,808	NWHY	× 04 3					
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	*					

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10/31/2007

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Early Warning Information

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		29							-	NWHY2JHR2304	2005-08-29 0	1	TX ·	FORD	AEROSTAR	1994	99		
Brd Quarter 2005	D00014T053001DC							P215/70R14			2005-05-25 0	1	GA	HYUNDA	A ACCENT	2002			
4th Quarter 2006	000014T064002DC									NWHY2JXR3503	2005-10-19 0	1	MS	FORD	AEROSTAR	1991			
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st Quarter 2007	000014T071001DC*									NWHY2JXR35*	2005-09-29 0	2	LA	NA	NA	9999	99		
Brd Quarter 2007	pending		25294992								2007-06-08 0	11	CA	FORD	AEROSTAR	1993			
Brd Quarter 2007	pending	thd	25073912	MOHAM	203					NWHY2TTR3404	2006-08-20 1	0	ATI	TOYOTA	TACOMA	1998	171		

- we would have 43 PD 500 k prod PDCs: 76 => 0.010% /109Pm
Adjustments: => 0.264% All duth (notions of Ewild) 0.2% Trend, sidenall, bead (no vibration) higher than ang + crown - related higher Popo Alerneh higher Co

10/31/2007

Contains Confidential and/or Proprietary Information. May not be copied or disseminated without the expressed written consent of The Goodyear Tire & Rubber Company.

Customer Satisfaction Campaign

- Customers will be contacted by mail
 - Large customers sales records
 - Discount Tire
 - Wal-Mart

10/31/2007

- 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

Contains Confidential and/or Proprietary Information. May not be copied or disseminated without the expressed written consent of The Goodyear Tire & Rubber Company.

- 10-15% state res. rate Discourt: good sales records

expect 38% net-r-sute no expected diffs for recalling

Sufficient repl threes - molding more

TBC - our internel detabase

whorth to assemble list

- 6- Y rep! the Regatta I

Magno, Gregory <NHTSA>

Subject:Goodyear wants to visit this weekLocation:KDe's Office

(none)

Start: End:

Ĭ

Wed 10/31/2007 12:30 PM Wed 10/31/2007 2:00 PM

Recurrence:

Meeting Status: Meeting organizer

 Required Attendees:
 Magno, Gregory <NHTSA>; Demeter, Kathleen <NHTSA>; Morgan, Tina <NHTSA>;

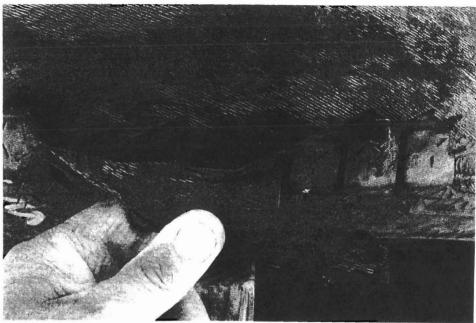
 Optional Attendees:
 Outload Attendees:
 Quandt, Jeff <NHTSA>

Sim Ford from Goodyear called in yesterday to request a meeting for Wed or Thur or Friday of this week b6b6b6b6b6b6b6b6



1

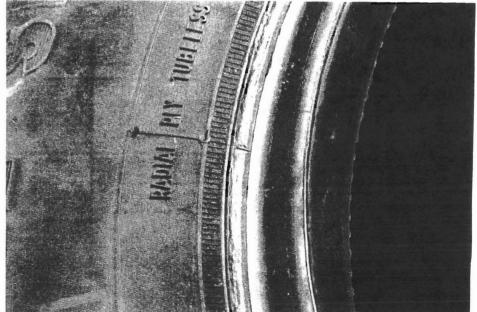




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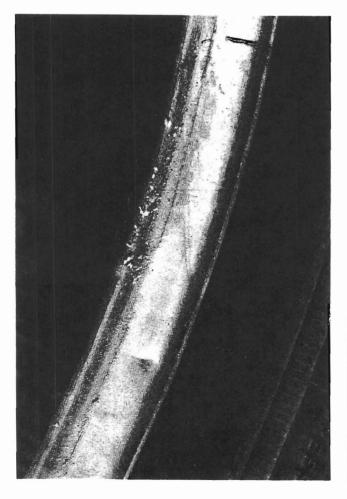
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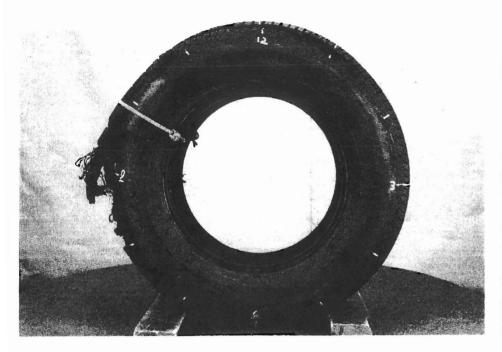


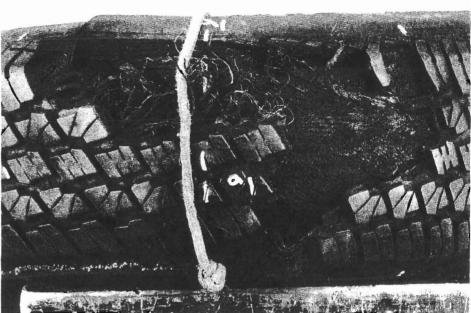
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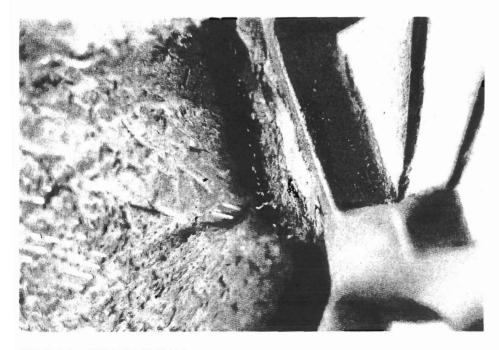
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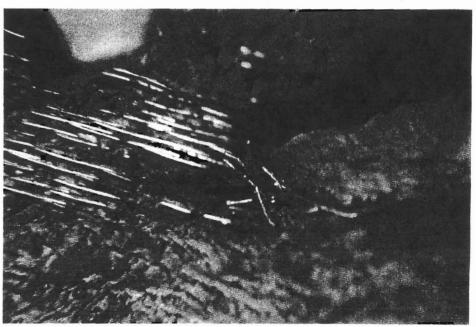


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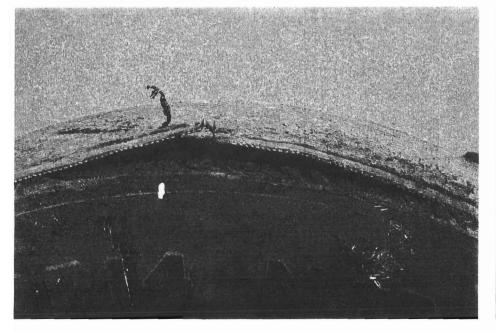


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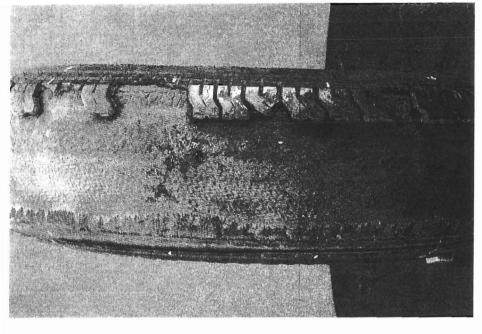


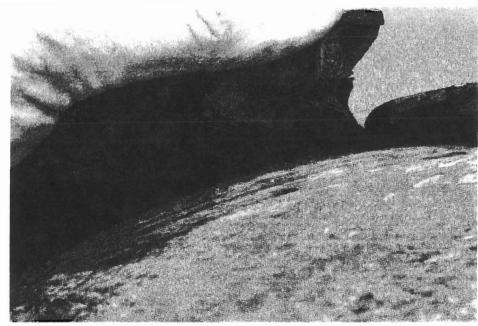
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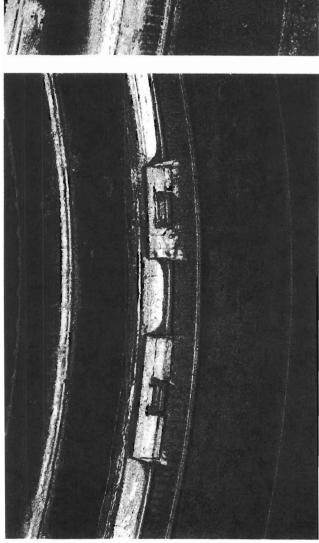


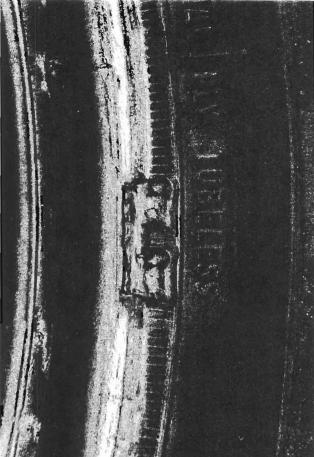




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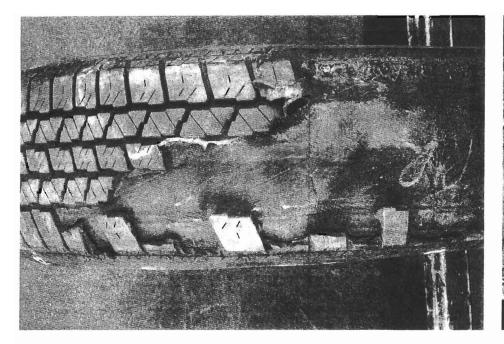
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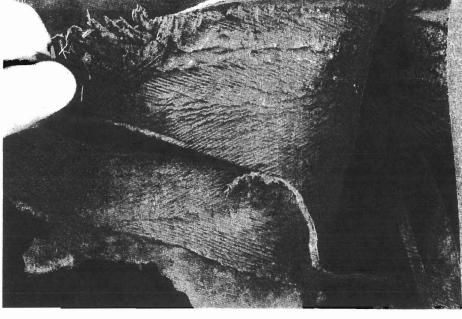




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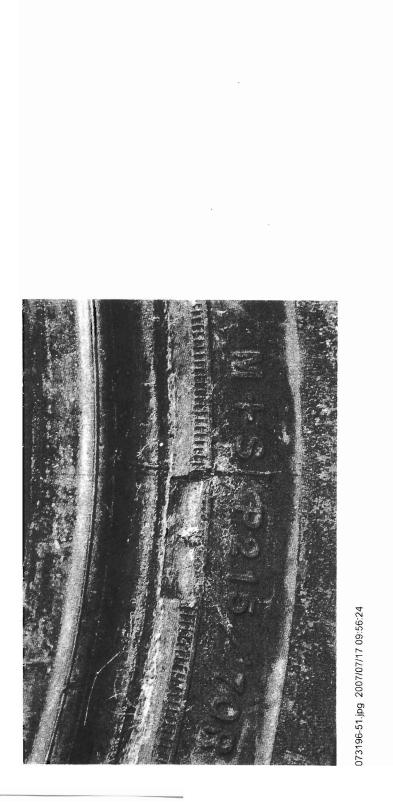
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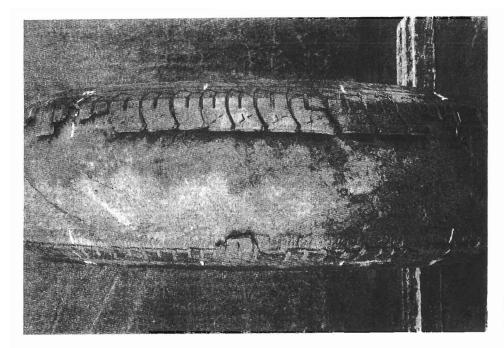


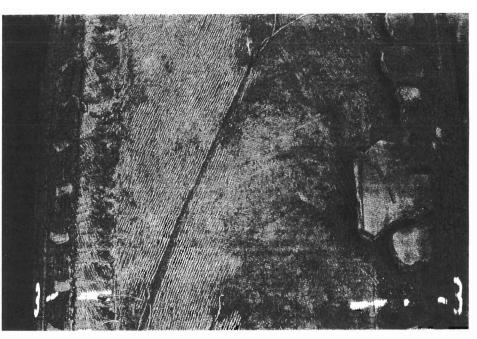


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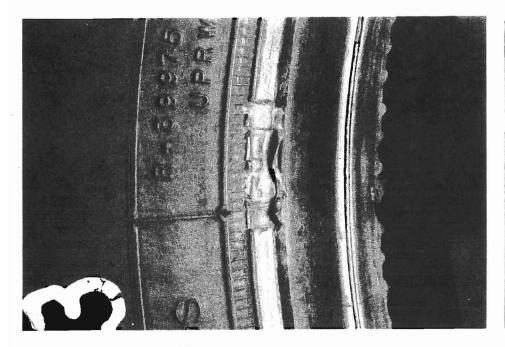


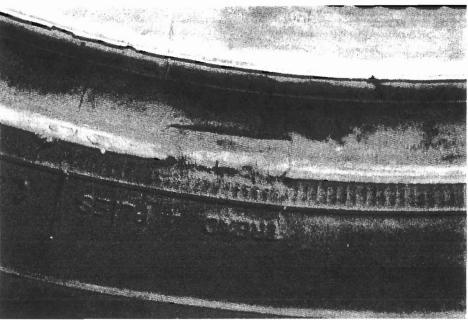




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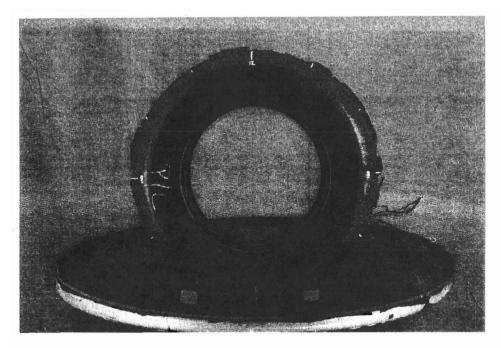
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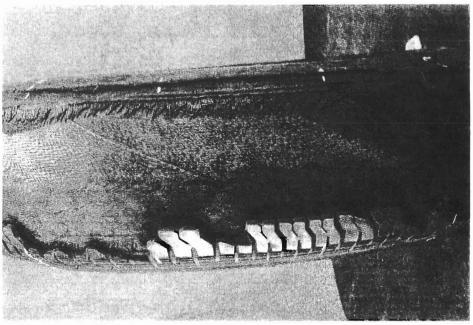




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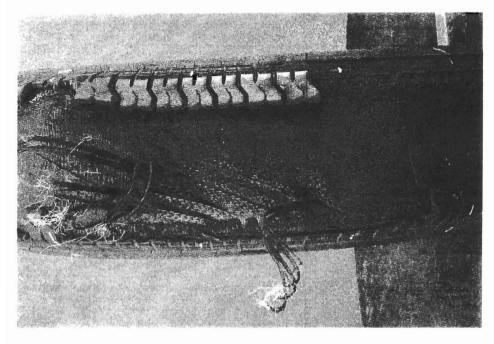
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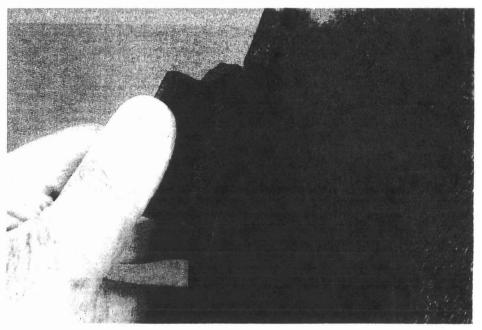




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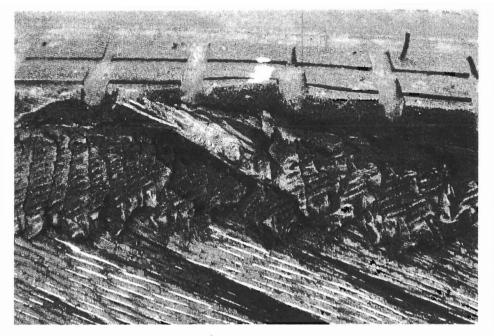
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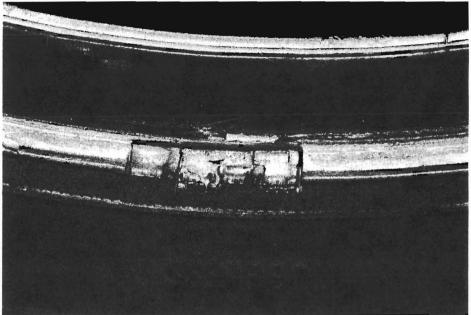




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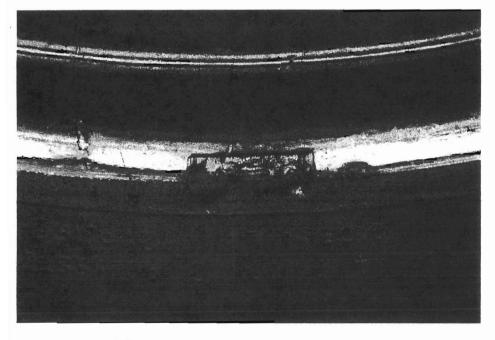
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07-3391-19.jpg 2007/09/27 09:13:43.8

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

November 1, 2007



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,

Sumion Stoul

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

VERIFICATION AFFIDAVIT

STATE OF OHIO

COUNTY OF SUMMIT

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

) ss.:

(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.

tand

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

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

hon a Stullm

Notary Public

LORI A SKILLMAN Notary Public State Wide Jurisdiction, Ohio My Commission Express October 20, 22829

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 1st day of November, 2007.

tord Simeon S. Ford.

Manager, Government and Customer Compliance

The Goodyear Tire & Rubber Company

Akron, Ohio 44316 – 0001

WASHINGTON, DC 20590

FICEOF

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,

Sincon Store

Simeon S. Ford Manager, Government and Customer Compliance

Enclosures

X. 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 1 7 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