

Firestone/Ford: A Case Study

How the Civil Justice System Uncovers the Truth for Consumers

Before journalists wrote about it, before NHTSA investigated it, before Congress was concerned about it, the civil justice system was working to unveil the truth about tire tread separation tragedies.

The enormous power of our civil justice system to discover the truth and protect consumers was soundly demonstrated when victims of the Firestone/Ford tire tread separation accidents began seeking justice in the courts. The civil justice system sounded the alarm on the problem, began the process of holding the companies legally accountable for their actions, compensated victims, and by forcing the companies to come forward, prevented even more tragedies from occurring. Consider the following:

IT WAS THE CIVIL JUSTICE SYSTEM THAT FIRST ALERTED AMERICA TO THE PROBLEM.

The first lawsuits were filed in 1992, serving notice to Ford and Firestone that others knew there was a serious problem. Over the course of a decade, victims' lawyers unearthed and worked to expose documents – which Firestone and Ford fought to keep secret – that are now being used to warn drivers around the world of these defective tires and to alert all concerned about the companies' knowledge of the dangers.

IT WAS THE CIVIL JUSTICE SYSTEM THAT FIRST HELD WRONGDOERS ACCOUNTABLE.

By January 2000, Firestone had paid at least \$3 million to deal with its lethal tire tread separation problems. The amounts paid by Ford are as yet unknown, but one thing is certain – lawsuits brought by crash victims have hit the companies where it hurts – their profits.



IT WAS THE CIVIL JUSTICE SYSTEM THAT FIRST TOOK CARE OF VICTIMS.

The civil justice system forced Ford and Firestone to compensate those who had been injured by the companies' irresponsible behavior. Settlements paid by the companies have already helped devastated victims get their lives back in order – and have given them a measure of justice.

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IT WAS THE CIVIL JUSTICE SYSTEM THAT FIRST PREVENTED FURTHER TRAGEDIES.

No one outside of Ford and Firestone had publicly tracked incidents of tire tread separation, and those companies chose not to share that information with the American people or their government. Without the lawsuits filed by victims, a pattern of accidents might never have emerged, the press might never have reported on the danger to consumers, and America's drivers might never have been alerted to these lethal hazards on the road.

THE BOTTOM LINE

An unfettered civil justice system roots out dangers, holds people and corporations accountable for creating those dangers, compensates those victimized, and prevents others from being hurt by those dangers. Knowing the power of the civil justice system to protect consumers, why would anyone want to 'reform' it? Could it be that Ford and Firestone, and other corporate behemoths just want to hide the truth and protect their profits from the people they hurt?

WITHOUT THE CIVIL JUSTICE
SYSTEM CONSUMERS WOULDN'T
HAVE KNOWN

THE TRUTH

Ford/Firestone Tire Recall Timeline

November 1978: Firestone recalled 14.5 million of the Firestone 500 series tires after reports of accidents and deaths due to tread separation on steel belted radial tires.

May 1988: Bridgestone, the world's No. 3 tire maker, acquired Firestone, the No. 2 tire maker. The takeover rescued Firestone from

potential financial collapse due to the 1978 recall.

February 1989: Arvin/Calspan Tire Research Facility of Alexandria, Va., an independent research lab hired by Ford measured the performance of 17 Firestone tires. The lab reported 3 belt-edge separation failures of the 17 tires tested.

March 1990: The Explorer is introduced as a 1991 model. The Explorer was redesigned to its current chassis design in 1995.

1991: Bridgestone/Firestone ATX, ATX II, and Wilderness AT tires became original equipment for the Ford Explorer (1991 - 2000), Ford Ranger (1991 - 2000), F-150 truck (1991 - 1994), Mercury Mountaineer (1996 - 2000), Mazda Navajo (1991- 1994) and B-Series Pick-up (1994 - 2000). Eventually, over 14.4 million tires would be manufactured.

1992: Bridgestone/Firestone began investigating allegations of safety problems with its tires.

Ford began receiving complaints regarding Firestone tires on its light truck models.

1994 - 1996: The workers at the Firestone Decatur, IL plant went out on strike. Firestone used replacement workers during this period to continue production.

July 1998: State Farm Insurance research analyst Sam Boyden sent an email to the National Highway Transportation Safety Administration (NHTSA) reporting 21 tread separation cases involving the Firestone ATX tire. Boyden continued to send e-mails to NHTSA about subsequent Firestone tread separation accidents.

October 1998: Ford noted tread separation problems on Ford Explorers in Venezuela, and sent samples to Bridgestone/Firestone for analysis. A Ford affiliated dealer in Saudi Arabia wrote to Ford Motor Co. complaining of problems with Firestone tires.

March 12, 1999: Ford memorandum noted that Ford and Bridgestone/Firestone executives discussed notifying U.S. safety

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authorities about a planned tire recall in Saudi Arabia. Ford decided to replace the tires overseas without telling federal regulators.

April 1999: NHTSA's Uniform Tire Grading Report gave Firestone ATX II and Wilderness AT tires the lowest grade on stress test temperature. The overwhelming majority of comparable tires received higher grades. It is believed that overheated tires lead to tread separation.

August 1999: Ford began replacing Firestone tires on Explorers sold in Saudi Arabia after reports of tread separation problems. Ford did not report the safety concerns, but called the replacement program a "customer notification enhancement action."

January 19, 2000: Internal documents showed Firestone executives knew about rising warranty costs due to accidents caused by the ATX, ATX II and the Wilderness AT tires.

May 2000: Ford changed Explorer's standard equipment to Goodyear tires in Venezuela while waiting for Firestone to come to resolution regarding the tire separation problems. Ford recalled Firestone tires in Malaysia, Thailand, Colombia, and Ecuador. The entire overseas recall reached 46,912 SUVs.

May 8, 2000: NHTSA launched a formal investigation into the tread separation cases involving the Firestone ATX and Wilderness tires.

August 4, 2000: Ford found a pattern in the data pointing to the 15" ATX, ATX II and Wilderness AT tires made at the Decatur, IL plant and called in the Firestone experts.

They found that older tires produced late in each production year from 1994 - 1996 had a higher failure rate.

August 9, 2000: Bridgestone/Firestone announced a region by region recall of more than 6.5 million AT, ATX II and Wilderness AT tires. Approximately 2 million Ford Explorers were named as subjects to the recall. The cost estimate for the recall ranged from \$300 to \$600 million. The hot weather regions were scheduled for tire replacement first, with other regions to follow. NHTSA reports that

Firestone tire separations were responsible for 46 deaths.

August 10, 2000: Plaintiff attorneys involved with Firestone litigation over the past decade note they know of 107 related tire cases, with 90 of those having a direct link to the recalled tires.

August 10, 2000: Ford claimed it became aware of the

tire separation problem one year ago, from anecdotal reports from Saudi Arabia.

August 16, 2000: NHTSA increased the number of deaths connected to the Firestone tread separations to 62.

Sept. 1, 2000: NHTSA announced another 24 Firestone tire models showed rates of tread separation exceeding those of the recalled tires. NHTSA also increased the estimate of deaths attributed to Firestone tires from 62 to 88. Venezuelan authorities report that at least 47 people died because of the Firestone tires.



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Firestone/Ford: *Unprecedented Settlement Requires Public Release of Documents*

In a victory for defenders of consumer safety, Ford Motor Co. and Bridgestone/Firestone Inc. have reached a landmark settlement in what would have been the first Ford/Firestone rollover case to go to trial since the scandal began.

Both companies will release, as a part of the settlement agreement, previously confidential internal documents related to the investigation of the Ford/Firestone rollover scandal. These sensitive documents were previously available only to federal investigators and congressional committees.

And in another rare move, both companies have personally apologized to Donna Bailey, the plaintiff in the case, for their role in her injuries. In "the largest vehicular product liability crisis in the history of this country," according to an attorney for Bailey, "the Ford Explorer, on these tires, has rolled over and killed more people than any product in the nation."

On the day of her accident, Donna Bailey was riding with two friends on route to a weekend rock climbing trip. She was riding in the passenger seat of her friend's Ford Explorer when one of the tire's treads suddenly peeled off. Donna had been wearing her seatbelt and was still strapped in when emergency crews arrived.

There were no warnings that the tire was about to fail. The tires involved in the crash were not part of Firestone's massive recall, according to the Associated Press.

Bailey, just 44 years old, was rendered quadriplegic by the crash. Adjusting has been difficult for her as she has a passion for physical fitness. "It's like being in jail.... I still dream I'm running at night.... That's hard and I miss that." She has two children, an 18-year-old daughter and 15-year-old son.

Ford will have 15 days after the judge accepts the settlement to release case documents to the public and the National Highway Traffic and Safety Administration (NHTSA).

In addition to the above terms Ford will "inspect, photograph and analyze each tire failure" according to a press release by the attorneys representing Donna Bailey.

These stipulations go beyond compensation for damages and towards justice for the many affected by the negligence of these companies including Donna Bailey. This case demonstrates the need for corporate liability and accountability for products and practices that cause injury.

The contemptuous actions by these two corporations are humanized by the terms of this settlement and that, in turn, sends a message that their and every other corporation should place a high priority on the well-being of consumers and not just the bottom line.

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