

VERDICTS & SETTLEMENTS

FRIDAY, FEBRUARY 3, 2017

PERSONAL INJURY

WRONGFUL DEATH

Strict Product Liability

VERDICT: \$2,000,000

CASE/NUMBER:

Wayne Weaver, Chad Weaver, individually and as Successors in Interest to the Estate of Frankie Jo Weaver, deceased v. Ford Motor Company, Cooper Tire and Rubber Company, Cerritos Ford, Jusgo Tyres, and Does 1 to 100, inclusive / BC509249.

COURT/DATE:

Los Angeles Superior Central / June 21, 2016.

JUDGE: Hon. Elihu M. Berle

ATTORNEYS:

Plaintiff — **Gary C. Eto (Law Office of Gary C. Eto, Torrance)**; Christine D. Spagnoli (Greene Broillet & Wheeler, LLP, Santa Monica).

Defendant — Edward R. Leonard (Harrington, Foxx, Dubrow & Canter, Orange).

TECHNICAL EXPERTS:

Plaintiff — Jean Claude Brico, tire failure analysis, Greenville, S.C.; Micky G. Gilbert, mechanical engineering, Arvada, Colo.; Timothy Lanning, Ph.D., economics, Santa Ana.

Defendant — Phillip J. Smith, trucking, St. Pete Beach, Fla.

FACTS:

On Nov. 12, 2012, on the westbound Interstate 40, approximately 25 miles east of Barstow, Frankie Jo Weaver, 62, was driving her 1998 Ford Explorer when her left rear Cooper Dominator tire sustained a complete tread separation, resulting in a loss of control and rollover. Weaver was seat belted. Weaver suffered fatal injuries.

Plaintiffs are Weaver's two adult sons, Wayne and Chad Weaver.

PLAINTIFF'S CONTENTIONS:

The vehicle had been serviced at Cerritos Ford on Aug. 22, 2012, where they inspected and rotated the tires. Cerritos Ford serviced the vehicle multiple times in the 10-year period preceding the crash. The difference in mileage between the Aug. 22, 2012, inspection and the Nov. 12, 2012, tread separation was 1,848 miles.

Post-accident the subject tire had localized rapid wear on the out board side of the tire between 270 and 300 degrees, above the location where the tread separation began, and less than 1/32 of tread depth at its most worn groove.

Plaintiffs argued that irregular localized wear pattern was evidence that the steel belts had come apart below the tread and that Cerritos Ford should have taken the tire out of service at the Aug. 22, 2012 inspection.

DEFENDANTS' CONTENTIONS:

Defendants contended that at the Aug. 22, 2012, inspection, all four grooves of all four of decedent's tires had 7/32s or greater of tread depth.

JURY TRIAL:

Length, seven days; Poll, 12-0; Deliberation, two hours.

SETTLEMENT DISCUSSIONS:

Plaintiffs made a CCP 998 offer for \$1 million. Defendant offered \$100,000.

RESULT:

The jury returned a verdict for plaintiffs and awarded \$2 million against Cerritos Ford. Ford and Cooper Tire made confidential settlements with plaintiff before trial.

OTHER INFORMATION:

A motion for new trial was denied on Sept. 19, 2016.

EXPERT TESTIMONY:

Jean Claude Brico testified that the rapid wear pattern was present at the Aug. 22, 2012, inspection, and the most worn groove was at 2/32 tread depth.

Micky Gilbert reconstructed the crash and testified that it is virtually impossible for the unsuspecting driver to control a vehicle at highway speeds that suffers a rear tread separation. Gilbert testified that decedent's handling of the vehicle throughout the tread separation event was reasonable. Phillip Smith testified that the Cerritos Ford employee had done a proper tire inspection on Aug. 22, 2012, and that the tires were in serviceable condition when the vehicle left Cerrito Ford on that day.

FILING DATE: May 17, 2013.