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## Cooper Tire Hit With \$32.8M Verdict In Rollover Case

By **Melissa Lipman**

Law360, New York (March 23, 2010) -- An Iowa jury has hit Cooper Tire & Rubber Co. with a \$32.8 million verdict, finding that a defect with one of the company's tire designs led to a vehicle rollover that killed one passenger and injured several others.

After four days of deliberation, a jury in the Polk County District Court in Iowa decided Friday that a problem with the company's Cooper Lifeliner Classic II tire allowed part of the van's steel belt to rust, leading the tread to separate from the left rear tire. The jury awarded about \$31.3 million in actual damages and \$1.5 million in punitive damages, plaintiffs firm Farrar & Ball LLP said Tuesday.

The five surviving passengers involved in the crash and their families sued Cooper Tire in October 2007, about a month after the rollover crash involving a 1997 Plymouth Grand Voyager van on a highway outside of Des Moines, Iowa.

One passenger, Assata Karlar, died in the accident, while Ivan Toe was paralyzed and fellow passengers Josephine Cole, Sekou Jai, Jailah Nayou and Achol Deng Mawien were severely injured, according to the firm.

The plaintiffs argued that even though safer alternatives to the Lifeliner Classic design existed, the manufacturer's executives postponed updating the tire in an effort to save money.

Plaintiffs' attorney Wesley Todd Ball said in a statement Tuesday that his clients had documents showing that Cooper Tire's executives had "openly discuss[ed] the costs of improving the design of this tire, and unfortunately they decided that saving money was more important than saving lives."

"This is a case of a large corporation putting profits over people," Ball said.

Fellow plaintiffs' attorney Kyle Farrar applauded the jury's verdict, saying he hoped it would send "a message to the entire industry that vehicle and passenger safety should be the number one priority."

A representative for Cooper Tire was not immediately available for comment Tuesday.

Friday's verdict is not the first time a jury has awarded damages to plaintiffs claiming defects with Cooper Tire's design led to a car crash when a tread belt on one of the tires separated.

In July, a Florida appeals court affirmed a lower court's decision not to grant the company a new trial in a suit where the jury awarded \$1.5 million to the family of a man killed in an accident involving one of its tires.

That suit was filed by the wife of Louissant Pierre, who was killed in a car accident in June 2005. According to the complaint, Pierre was one of three passengers in a 1993 Toyota Previa being driven by a friend on Interstate 10 in Florida when one of the tires suffered a tread belt separation.

As a result, the vehicle violently pulled across several lanes, went through the grass, rolled on its side and collided with a metal signpost. Pierre and the driver were both killed. The suit claimed that the crash was caused by a manufacturing defect in Cooper's Radial XL tire.

The plaintiffs are represented by Farrar & Ball LLP and the James Law Firm.

Cooper Tire is represented by Nyemaster Goode West Hansell & O'Brien PC.

The case is Ivon Toe et al. v. Cooper Tire and Rubber Co. et al., case number 05771-LACL-106914, in the Polk County District Court in Iowa.

--Additional reporting by Ryan Davis