

Tires

Continental General Tire to Challenge \$55 Million Award in Tread Separation Suit

LOS ANGELES—Continental General Tire Inc. plans to challenge a California jury's \$55 million award to car accident victims who claimed the crash was caused by tread separation on a defective tire, the company's attorney told BNA May 1 (*Lampe v. Continental General Tire Inc.*, Cal. Super.Ct., BC173567, verdict 4/13/01).

Continental General disputed the finding by the jury in the California Superior Court for Los Angeles County that the tire was defectively manufactured. The verdict came down April 13.

Accident Happened in 1996. The accident happened in 1996. Plaintiff Cynthia Lampe was driving a 1993 Ford Taurus, traveling at between 60 and 65 mph, her attorney Brian J. Panish said. The tread on the left rear tire separated, causing the vehicle to veer out of control and hit an embankment. Lampe was rendered quadriplegic. Her mother, Sylvia Cortez, also was injured.

Lampe, Cortez, and Lampe's father, Joseph Cortez, argued that the tire exhibited design and manufacturing defects. They contended that polypropylene contamina-

tion during manufacture impeded the tread belts from adhering properly, Panish told BNA.

Contamination Came After Manufacture. But the company maintains that the two "microscopic spots" of contamination on the tire did not come from the manufacturing process, but rather could be explained by an "after separation event" such as skidding or post-accident handling, defense attorney Walter Yoka said.

Moreover, there was no proof that the tiny spots caused the tread separation, which Continental argued was caused by "localized trauma" to the tire in question sometime before the accident, he added.

After a 3-1/2 month trial, the jury voted unanimously in favor of the plaintiffs, Panish said. Lampe, 33, who was earning about \$70,000 a year as an X-ray technician, was awarded \$41 million in non-economic damages, and \$8.8 million for medical costs and loss of income, Panish said.

The jury also awarded Sylvia Cortez \$4.5 million for emotional distress and medical costs, and \$1 million to her husband for loss of consortium, Panish added.

The tire was purchased in 1992, had been driven some 46,000 miles, and still had 67 percent of tread remaining, Panish noted.

The defense maintained that the tire had suffered some kind of localized trauma anywhere from 200 to 1,500 miles before the accident.

According to Yoka, the tread separation created a vehicle handling situation but did not cause the tire to deflate. The driver should not have lost control of the car, he said.

In addition to expert testimony pointing to the presence of polypropylene in the tire, plaintiffs presented seven former employees of the Mount Vernon, Ill., Continental plant where the tire was manufactured. The workers testified that improper materials often were introduced into the manufacturing process at the facility, Panish said.

Panish and Adam K. Shea of Greene, Broillet, Taylor, Wheeler & Panish in Santa Monica represented the plaintiffs, along with Taras Kick and Daniel Leary of the Kick Law Firm, Yoka, of Yoka & Smith in Los Angeles, and Kenneth Moran of Moran & Kiker in Richmond, Va., represented the defendant.

BY TOM GILROY