

Files on tires' recall must be disclosed in suit, judge rules

Data between Ford, Firestone included

By **KRISTEN MACK**
Houston Chronicle

Bridgestone/Firestone Inc. has to publicly disclose documents related to its recall of some tires that have been blamed for vehicle crashes, a judge in Houston ruled Monday.

State District Judge John Donovan ruled that all documents, including correspondence between Ford Motor Co. and Firestone and any test results on the tires, be open to the public.

However, Firestone is not required to release documents that contain trade secrets.

The judge's ruling came in a hearing in a lawsuit that Peggy Turner Trahan filed in Houston against Ford and Firestone.

"This will let us know the nature of the defect and who knew what and when," said Richard Mithoff, Trahan's lawyer.

Bridgestone/Firestone on Aug. 9 recalled 6.5 million P235/75R15-size radial ATX, ATX II and Wilderness AT tires made at its plant in Decatur, Ill. As many as 88 people have been killed and an additional 250 injured in the United States in crashes that may have been related to tread separation of Firestone tires.

Many of the accidents involved Ford Explorers, which until the recall had come equipped with the ATX tires.

Trahan suffered a serious brain injury and fractures to an arm and a leg when the tread spun off one of her Explorer's rear tires Sept. 5, 1999, Mithoff said.

Trahan has difficulty walking and has memory problems, Mithoff said. Her case is scheduled for trial in January.

Other lawsuits are pending in courts across the country.

Although each judge will make a decision, Mithoff said he hopes this case will be a model for other plaintiffs.

"I hope it will encourage similar agreements and the same approach in other Firestone cases," Mithoff said.

The ruling came a few days after a similar decision in a Florida court, where the judge lifted an order sealing confidential Firestone documents in a lawsuit filed by two Florida residents injured in a 1997 accident.

In the Florida case, Firestone can petition to have individual documents sealed if it believes they hold trade secrets.

Mithoff and Patrick Zummo, a Houston lawyer representing Firestone in the Trahan case, met during the weekend to come up with an agreement, which was read for the record in court Monday.

Zummo was not available for comment Monday.

Mithoff's office has several records, including five compact discs containing 88,000 pages of text of Ford documents.

All records — including quality-assurance testing and adjustment data, which details how many tires have been returned for defects and what the reasons were — will be provided to Mithoff's office next week.

After his office has a chance to review the documents, they will be made available to the public, Mithoff said.

A consumer watchdog group founded by Ralph Nader supported Trahan's effort to publicly disclose information of Firestone's tread-separation problems.

Public Citizen Inc., based in Washington, D.C., filed a friend-of-the-court brief in Trahan's case Sept. 18.

"The documents . . . could help answer the question whether the problem is a manufacturing error limited to (Firestone's) Decatur, Ill., plant or a design defect affecting many more tires than have thus far been recalled," Public Citizen attorney Amanda Frost wrote in her brief.

Frost said Public Citizen wants Ford's and Firestone's documents to be made public because it contends other sizes of Firestone tires than those recalled may also be defective.