

Group fights Firestone motion

Crosby litigant gets help in effort to publicize tire problems

By **BILL MURPHY**
Houston Chronicle

A consumer watchdog group founded by Ralph Nader has gotten behind a Crosby woman's fight to disclose publicly any information that she gains on Firestone's tread-separation problems.

Ford Motor Co. and Firestone have filed a motion to prevent Peggy Turner Trahan and her lawyers from disclosing information they obtain through Trahan's lawsuit against them in state district court in Houston.

But Trahan's lawyer, Richard Mithoff, said he is fighting the motion because it could prevent the public from learning more about problems with Firestone tires.

Public Citizen Inc., based in Washington, D.C., filed a friend-of-the-court brief Monday supporting Trahan's opposition to the motion. State District Judge John Donovan will rule at an upcoming hearing.

"The documents for which Firestone seeks a protective order in this case 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," wrote Public Citizen's lawyer, Amanda Frost, in her brief.

Patrick Zummo, a Houston lawyer representing Firestone in the Trahan case, said he hasn't seen Public Citizen's brief and could not comment on the case.

Generally, Zummo said, companies seek nondisclosure orders to prevent competitors from learning manufacturing and trade secrets.

Mithoff said: "No competitor wants to steal a trade secret on how to make a defective tire. There is simply no market for that."

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

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

Trahan suffered a serious brain

injury and broke an arm and leg when the tread spun off one of her Explorer's rear tires Sept. 5, 1999, Mithoff said. The accident, he said, happened in the 2500 block of the Crosby Freeway about a quarter-mile east of FM 2100 in Harris County.

Trahan has difficulty walking and has memory problems, Mithoff said.

Mithoff said there was nothing special about Trahan's case that made Public Citizen weigh in on it. Members of the group came to him, he said, because he has worked with them in the past.

Mithoff said he and other plaintiffs' lawyers have agreed in other lawsuits not to release information because that often leads to a larger settlement.

Nondisclosure "is in the best interest of my client, but is it in the best interest of society at large?" Mithoff asked. "If we had had some sense of the magnitude of the problem, some of these tragedies could have been avoided."

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.