

DAILY REPORT

A SMART READ FOR SMART READERS

An ALM Publication

VERDICTS & SETTLEMENTS

Exploding tire case yields secret settlement

FIRESTONE TIRE blamed for truck hitting vehicle, killing 2 in 2005

KATHERYN HAYES TUCKER

ktucker@alm.com

LAWYERS AT Butler, Wooten, Fryhofer—a firm with a website that shows a scrolling list of eight- and nine-figure verdicts and settlements—did not sound happy they will have to keep secret the key figure in a deal resolving a seven-year-old exploding tire case against Bridgestone/Firestone.

“At defendant’s insistence, the amount of the settlement is confidential,” said an announcement from the firm March 22.

A plaintiffs lawyer not involved in the case, Joseph Fried of Fried Rogers Goldberg, suggested that the case could have drawn a settlement in the “high seven figures to low eight figures.”

“When a large manufacturer resolves a big case like that, there are big numbers,” said Fried. “The company doesn’t want those numbers to be in the public domain.”

The value of such a case is driven by a factor of “the goodness of the plaintiff combined with the bad conduct of the defendant,” Fried added.

The case was nearing trial, having already been through dueling Daubert motions before Walker County State Court Judge Donald Peppers. The judge pressed the teams of lawyers for both sides for a settlement before he held hearings on 27 motions in limine, according to the Butler Wooten statement.

The case started on Nov. 10, 2005, when Leonard and Nancy Heavrin were heading south to visit family in Georgia and Florida for Thanksgiving, according to Butler Wooten’s statement. They had grandchildren living near them in New Albany, Ind., and had just retired. He was 62. She was 57.

A Ford F-250 pickup truck driven by William Chastain of Walker County was headed in the opposite direction on Interstate 24 near Manchester, Tenn. Chastain, who would later testify that he was “meticulous about maintaining his tires”—according to the Butler Wooten statement—had equipped his truck with four Firestones.

One of his front tires, a Firestone Steeltex Radial R4S II, “suffered a belt/tread separation and then



ALISON CHURCH

The plaintiffs team included, from left, George Fryhofer III, Brandon Peak, Leigh May and Jim Butler.

exploded, causing the truck to go out of control,” according to the Butler Wooten statement. The truck crossed the median and hit the Heavrins head on, decapitating both of them.

The Heavrin family was represented by George Fryhofer III, Leigh May, Brandon Peak and Jim Butler from Butler Wooten Fryhofer as lead counsel. The plaintiffs team also included David Cunningham of LaFayette and Lindsay Bennett of Fort Oglethorpe.

Chastain was defended by Trevor Hiestand of Harper, Waldon & Craig. He settled with the Heavrins for the limits of his insurance, according to Butler Wooten Fryhofer’s statement.

Fryhofer said the tire in question was made at a Decatur, Ill., plant that later closed following a massive recall of exploding tires made after the Japanese company, Bridgestone, bought Firestone and began cutting costs, materials and safety testing. “That was the plant that had all the quality

problems,” Fryhofer said.

Firestone’s Atlanta outside counsel, Alfred B. Adams III of Holland & Knight, referred a call about the case to a spokesman in Bridgestone’s Nashville, Tenn., corporate office.

The spokesman, Dan MacDonald, said that the Decatur plant shut down to reduce capacity—not as a result of the recall. He added, “A core value of this company is that we’d never do anything that would compromise safety or quality.”

Bridgestone’s spokesman said the Steeltex tire was a good one, although it is no longer on the market. “Certainly our thoughts and sympathies go to the families. This was a tragedy. We don’t think we have culpability. Sometimes it’s better to settle a case than to try it in court. That’s what we did.” 