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TOP 25 V&S

11 Family of car crash victims settles for \$6.665 million

The family of a man and his young adult daughter who died in a car accident received a \$6.665 million settlement after attorneys for the family contended that a defective tire valve system caused the sudden failure of the tire.



Isaac Thorp

The father, who was one of the world's leading seismologists, and daughter died after their car's rear tire blew, causing the daughter to lose control of the car and collide with a tractor trailer. The plaintiffs' attorneys asserted that the tire valve system lacked the required chemical compounds to protect against premature cracking, which caused it to fail. They pointed to an engineering hazard analysis conducted by the tire maker before the crash as proof. The plaintiffs also alleged that the tractor trailer driver's negligence was a cause in the deaths.

The parties settled the case during pre-trial motions.

The plaintiff alleged the tire maker was negligent by failing to warn consumers about the defect. A product recall initiated several months after the crash victims purchased the tires notified major retailers, but did not attempt to notify consumers directly. The plaintiff also alleged the retailer was negligent in failing to warn consumers, and the retailer admitted that it had a computerized database containing customer addresses and phone numbers that would allow it to identify the likely purchasers of the tires with defective valve stems. The retailer had sent the crash victims several marketing letters after it learned about the defective valve stem recall and before they died.

WRONGFUL DEATH

Name of judge: William Pittman

Date of settlement: May 7

Amount: \$6,665,000

Most helpful experts: Michael Sutton, reconstructionist, Accident Research Specialists, (Cary); Gary Derian, tire expert, Robson Forensic, (Dublin, Ohio); Walter Guntharp, trucking safety expert, (Pendleton, Ind.).

Attorneys for plaintiff: Isaac Thorp, Thorp Law Firm, (Raleigh); David Kirby, Edwards Kirby, (Raleigh)

Has the plaintiff been successful in collecting the judgment? Yes