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FOR IMMEDIATE RELEASE
NOVEMBER 12, 2010**

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TIRE CO. SEEKS TO SEAL OFF DOCUMENTS PROVING ITS DEFECTIVE TIRE CAUSED FATAL CAR CRASH

A brief filed today by Public Justice is challenging a tire manufacturer's attempt to hide documents showing it was at fault in a fatal car accident three years ago in Iowa. The brief follows Public Justice's motion to intervene in the case of *Toe v. Cooper Tire & Rubber Co.*

In September 2007, a Plymouth Grand Voyager carrying six passengers spun out of control after a catastrophic tread separation on the left rear Cooper tire. The vehicle rolled over into a ditch, killing one passenger. A second passenger was rendered quadriplegic. A third passenger, who was five months pregnant at the time, suffered a fractured neck and a miscarriage as a result of the crash. The other three passengers were also severely injured.

The plaintiffs sued in Iowa state court. As part of their case, the plaintiffs' attorneys obtained key documents showing that Cooper was aware of dangerous defects in several of its tire lines. These documents were then used as permissible evidence during the trial.

In March, a jury found Cooper Tire & Rubber Co. 100 percent at fault for the crash.

The next month, Cooper filed a "motion to maintain protective order," which, if granted, would require the sealing of all documents as well as the portions of the trial transcript Cooper claims is confidential.

Public Justice's brief, filed by staff attorney Leslie Bailey and co-counsel Stuart Ollanik, and on behalf of the Center for Auto Safety, opposes Cooper's motion. The brief explains the legal and policy arguments for why the public needs access to these documents: If the sealing motion is granted, consumers looking to purchase new tires would never know of Cooper's past negligence.

The brief also explains that Cooper is well known for fighting public access to its safety documents and has been sanctioned in the past for intentionally burning and shredding evidence.

At a congressional hearing last year, a man whose spouse had been killed in an accident caused by a Cooper tire testified that he would not have purchased the tires had he been aware of the company's dismal safety history – but this information was hidden from the public.

Bailey says that the sealing of documents that were used openly in the trial is an especially egregious violation of the public's right to open court records.

Public Justice, a national public interest law firm based in Washington, DC and Oakland, CA, has been fighting unnecessary court secrecy for more than two decades.