

\$1,700,000

Tire Failure
PRODUCT LIABILITY

FACTS: The decedent driver was driving a Toyota van on the freeway when a tire blew out. The driver lost control and the vehicle rolled over several times. The driver and two of his passengers died. Counsel was retained. Counsel sent a letter to the driver's insurance company demanding that the tire be preserved as evidence. The insurance company responded in writing that they would preserve the tire. Approximately one year later, the insurance company inadvertently threw the tire away.

CONTENTIONS: The Plaintiffs contended that the loss of the tire prevented them from having an opportunity to pursue a potential case of design or manufacturing defect against the tire manufacturer. The tire manufacturer obtained summary judgment when Plaintiffs could not produce any evidence of a tire defect. The defendant insurance company contended that there never was a case based on a tire defect. The defendant insurance company also contended that after the accident, an experienced California Highway Patrol (CHP) tire investigator, inspected the tire and the CHP investigator found that the tire had no design or manufacturing defect but that a plug was improperly installed which led to tread separation. The Defendant insurance company further contended that Plaintiffs and their attorneys were negligent for not inspecting the tire for nearly two years after the accident and for not investigating whether they had a case prior to suing the tire manufacturer.

INJURIES: Death of driver and two passengers.

CHOI v. TOYOTA MOTOR CORPORATION, et al.

CASE NUMBER: BC 116645

LOS ANGELES SUPERIOR COURT