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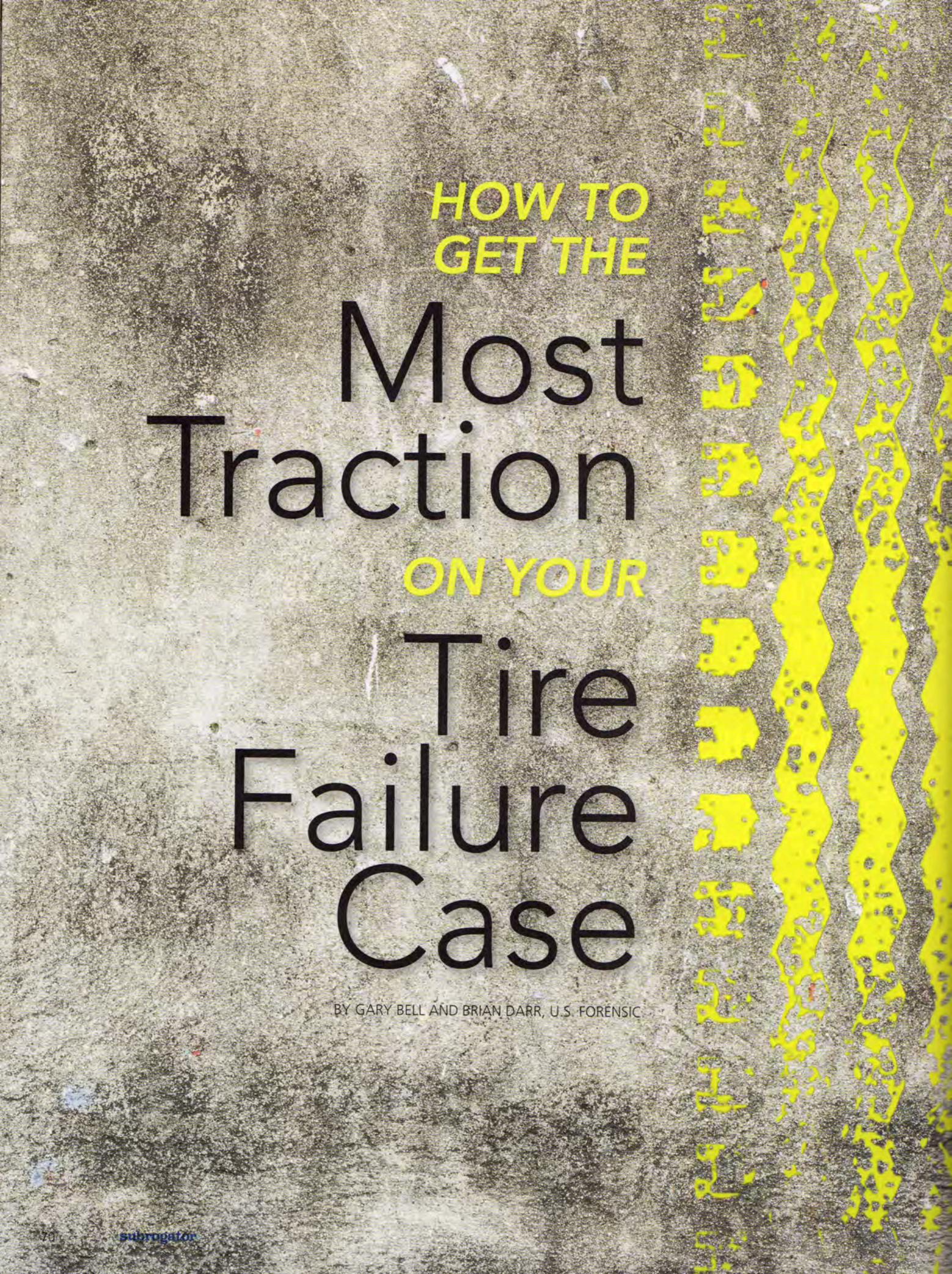
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HOW TO
GET THE

Most Traction

ON YOUR

Tire Failure Case

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WHEN AN APPARENT TIRE FAILURE OCCURS,
it is logical to hire an expert to understand and decipher
the mechanism of how and why the tire failed.

Many times a tire failure results in a vehicle accident, and claims professionals frequently believe that hiring a well-experienced vehicle accident reconstructionist will provide a “catch all” expert who has an understanding of all the potential defects hidden within the tire. However, while most reconstructionists do have a basic knowledge of tires, many haven’t been trained in the manufacturing process that would allow them to identify key pieces of evidence that can tell the rest of the story. Some defects are very

obvious and sometimes the cause of the tire failure may be obvious, such as when road hazards, misuse or abuse are present. However, a tire expert who has manufacturing experience will be familiar with the design of the tire and the subtle indications of design and manufacturing issues, such as adhesion issues between the various laminate components within a tire, belt placement, foreign materials, tire aging, etc., many of which are less than obvious. Further, an expert familiar with the manufacturing process will know to obtain (and retain) the

other companion tires on the vehicle for examination and/or testing. By using specialized equipment, it may be possible to demonstrate that the same type of defect was present in the companion tires. If this can be demonstrated, then the case becomes much stronger. Instead of one defective tire, now you have 2 or more tires showing the same abnormality.

A case in point involves a tire blow out resulting in several injuries where only photos of the vehicle were available. Five total occupants were traveling down the interstate in a

THE DRIVER REPORTS THAT HE HAD A TIRE BLOW OUT, LOST CONTROL OF THE VEHICLE, AND VEERED OFF OF THE ROAD INTO A TREE. ALL PASSENGERS WERE INJURED, BUT THREE PASSENGERS SUSTAINED CRITICAL INJURIES AND SUED THE DRIVER.



pickup truck. The driver reports that he had a tire blow out, lost control of the vehicle, and veered off of the road into a tree. All passengers were injured, but three passengers sustained critical injuries and sued the driver. The plaintiffs retained a reconstructionist that opined that the driver hit something in the road. Plaintiffs' expert believed this caused the right front tire to blow out and cause the truck to lose control and go off the interstate.

The claims professional defending the driver decided to explore the possibility of a tire defect and selected an accident reconstructionist who

was not only a professional engineer (P.E.) but also an expert in the tire design, development, manufacturing and testing processes. The expert the defendant found had worked for a major world tire supplier in their R&D and manufacturing division for 6 years and later as a tire project lead engineer for an automotive OEM (Honda R&D North America) for 7 years.

The driver was adamant that nothing was hit and that the tire just blew out. Through reviewing testimony, the defendant's expert learned that the pickup reportedly started to have a small vibration and

accompanying strange noise as the truck was driven down the interstate. The vibration and noise continued and steadily became greater. None of the passengers knew what was wrong with the truck. At one point, the driver stopped the truck along the interstate. Everyone got out and inspected the truck to see if they could find anything wrong. Nothing was found. However since it was night time, it was difficult to see. It was deemed that they would travel to the next exit (approximately 10 miles away) and stop there to have a better look at the pickup. They continued on their way, however,

unfortunately they never made it to the exit. The tire failure occurred along with the resulting collision.

Because the tire was not available for inspection, the tire expert had to depend on all of the documents, testimony, available photographs, and witness statements to form an opinion. Because of his knowledge and experience, key information was identified in the documentation that pointed to a clear tread and outer belt separation suggesting an underlying defect in the tire. This was the proximate cause of the tire failure. This was not discovered in the initial claims investigation prior to the involvement of the tire manufacturing expert. As mentioned, the occupants reported hearing a strange noise, pulled over and inspected the vehicle and tires, and saw nothing out of the ordinary. By their description of the event and the details of the accident, the events that took place were consistent with a tire experiencing a tread and outer belt separation. Once the separation

occurred to the right front tire, it caused the vehicle to pull to the right and ultimately lose control.

In this example, the Plaintiff's expert mistakenly stated that the right front tire failed from misuse and abuse and striking a road hazard. However, it was shown that the tire actually had a tread and outer belt separation caused by internal defects. This could have been a costly oversight, which illustrates the importance of hiring the appropriate expert. Further, successful subrogation against a tire manufacturer will involve opposing testimony from the tire manufacturer's expert, who invariably will have tire design and manufacturing experience.

Having an expert that has visited tire manufacturing plants all over the world for quality control purposes and looking for potential errors in the manufacturing process is extremely valuable in subrogation cases, especially when pursuing a tire manufacturer. Most of the defects seen in a tire are minute details that

accident reconstructionists might miss because they don't know to specifically look for them. These details are extremely important in building a subrogation case.

Below are two examples of defects that require a tire expert to recognize:



1) TIRE BELT DEFECTS

X-ray of companion tire that had belt defects and internal separations similar to a subject tire.



2) TIRE PATTERN MARKS

A failed tire with the tread and outer belt separated that has a manufacturing defect present.

Even if you have a simple tire failure case, being able to qualify in a court of law as a tire failure expert is essential. Experts that do not have tire manufacturing-specific experience will not be prepared for Daubert challenges and could be disqualified in offering an opinion on the tire failure. A subrogating party needs to choose an expert that has been qualified in state and federal courts for tire cases. Depending on the availability of the evidence and feasibility of a re-inspection, it may be difficult for a client to move forward with a case in these instances when their expert gets disqualified, even with clear evidence of a manufacturing defect.

ONCE THE SEPARATION OCCURRED TO THE RIGHT FRONT TIRE, IT CAUSED THE VEHICLE TO PULL TO THE RIGHT AND ULTIMATELY LOSE CONTROL.

