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10 Attorneys for Defendant  
 11 Bridgestone Firestone North American Tire, LLC

12 UNITED STATES DISTRICT COURT  
 13 DISTRICT OF ARIZONA

14 Angel Juarez Moreno, individually and as  
 15 surviving spouse, and on behalf of all statutory  
 16 beneficiaries of Antonia de Santiago Castillo,  
 17 deceased; J. A. J. de Santiago, A. J. de Santiago,  
 18 and A. J. de Santiago, minors, by and through  
 19 their father and next friend, Angel Juarez  
 20 Moreno; Beatriz Moreno de Santiago and  
 21 Joaquin de Santiago-Castillo, husband and wife,  
 22 individually and as next friends on behalf of  
 23 their minor children, J. de Santiago, B. de  
 24 Santiago, J. C. de Santiago, J. A. de Santiago-  
 25 Castillo;

26 Plaintiffs,

v.

27 Bridgestone/Firestone, Inc., an Ohio  
 28 Corporation; Bridgestone/Firestone North  
 29 American Tire, L.L.C., a Delaware limited  
 30 liability company; Bridgestone Americas  
 31 Holding, Inc., a Nevada corporation;  
 32 Bridgestone Corporation, a Japanese  
 33 corporation; Black and White Corporations I-X;  
 34 Black and White Partnerships I-X; John Does 1-  
 35 10,

36 Defendants.

Case No.: CIV 07-889-PHX-NVW

**BRIDGESTONE FIRESTONE NORTH  
 AMERICAN TIRE, LLC'S RESPONSE TO  
 PLAINTIFFS' NOTICE OF ORAL/VIDEO  
 DEPOSITION (Studies, Testing and  
 Validation of Theory that  
 Overdeflection/Overloading/Underinflation  
 Can Cause Belt Separation)**

37 Defendant Bridgestone Firestone North American Tire, LLC, f/k/a Bridgestone/Firestone  
 38 North American Tire, LLC, successor to Bridgestone/Firestone, Inc. ("Firestone"), responds to

1 Plaintiffs' Notice of Oral/Video Deposition (Studies, Testing and Validation of Theory that  
2 Overdeflection/Overloading/Underinflation Can Cause Belt Separation) as follows:

3 INTRODUCTORY STATEMENT AND GENERAL OBJECTIONS

4 1. Firestone objects to plaintiffs' notice on the grounds that it is overly broad and not  
5 limited to the tire in question, its particular specifications, and the manufacturing facility and  
6 period at issue. It is generally accepted in the tire industry that overdeflection of a tire, which is a  
7 pressure vessel, caused either by overloading and/or underinflation can result in a tread/belt  
8 separation. However, the determination of whether overdeflection was a factor in any given  
9 separation normally requires an examination of the failed tire. That examination, in turn, considers  
10 the design and manufacture of that tire. As a result, this discovery seeks information that is  
11 irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

12 The subject tire has been identified as a LT265/75R16 Steeltex Radial A/T Load Range E  
13 steel belted radial light truck tire bearing Department of Transportation ("DOT") number  
14 8XW81XL2601 that was manufactured at Firestone's facility in Aiken, South Carolina during the  
15 26th week of 2001. Information regarding other tires manufactured to other specifications and at  
16 other facilities during other time periods is not "relevant to the subject matter" of this action.

17 2. The subject tire was built to a proprietary specification that establishes the exact  
18 manner in which the numerous design and construction variables are combined to produce that  
19 particular product. The specification prescribes the tire size and overall type of construction; the  
20 number and type of components; the dimensions, gauges and relevant placement of each  
21 component; the manner and sequence of component assembly; and the curing process and  
22 equipment used in fashioning the tire. Moreover, the specifications of individual tires change  
23 over time to reflect developments in radial tire technology and evolving vehicle requirements.

24 3. Trade names such as "Steeltex Radial A/T" cover tires made in different sizes and  
25 load ranges to different specifications at different plants over the years. Therefore, the only way  
26 to identify an individual tire is by reference to the particular specification to which it is built.

1 Where indicated in its responses, Firestone has in good faith identified those documents of which  
2 it is currently aware that will provide information regarding the subject tire as defined by its  
3 specification.

4 4. In making these responses, Firestone is not waiving: (a) the right to object on the  
5 grounds of privilege, materiality, hearsay or any other proper ground, to the use of any  
6 information provided in these responses in any subsequent proceeding in this action or any other  
7 action; and (b) the right to object on any and all grounds to any other discovery procedures  
8 involving or relating to the subject matter of this notice.

9 5. For the sake of brevity, the above objections are incorporated into Firestone's  
10 Response to Plaintiffs' Notice of Oral/Video Deposition (Studies, Testing and Validation of  
11 Theory that Overdeflection/Overloading/Underinflation Can Cause Belt Separation).

#### 12 RESPONSE TO NOTICE OF DEPOSITION

13 *Plaintiffs request that Firestone provide the "Bridgestone/Firestone representative most*  
14 *knowledgeable regarding studies, testing and validation of theory that*  
*Overdeflection/Overloading/Underinflation can cause belt separation."*

15 RESPONSE: Firestone states that it is well known in the industry that a tread/belt separation in a  
16 steel belted radial tire can result from overdeflection as a result of overloading and/or  
17 underinflation. Therefore, Firestone states that there is no one person most knowledgeable with  
18 regard to this topic. Nevertheless, Firestone will produce one or more witnesses generally  
19 knowledgeable regarding the causes of tread/belt separations, including overdeflection,  
20 overloading or underinflation.

#### 21 RESPONSE TO DOCUMENT REQUESTS

22 *Plaintiffs request that "the following books, papers, documents videos, photos, electronic and*  
23 *magnetic data, and tangible things (hereinafter collectively "documents") are hereby*  
24 *designated to be produced by the witness at the time and place of the deposition if they have not*  
*been previously produced."*

25 REQUEST NO. (a): all documents, reports, memos, emails, electronic or magnetic data, and  
26 tangible things that relate to, contain, or reflect in any manner studies, testing and/or any  
validation of the theory that overdeflection/overloading/underinflation can cause belt separation;

1 RESPONSE: Firestone states that it is well known within the industry that a tread/belt separation  
2 in a steel belted radial tire can result from numerous possible causes, including but not limited to  
3 using the tire for an improper purpose or on an improper size vehicle, improper alignment,  
4 improper service conditions, underinflation, overloading, punctures, cuts, impacts, improper  
5 repair, mounting damage, chemical exposure, high speed operation, improper storage, misuse of  
6 ancillary products, to name several. It would require an unduly burdensome file-by-file search of  
7 the files of dozens, if not hundreds, of engineering and other employees at Firestone’s corporate  
8 offices and plants to locate all responsive materials. Nevertheless, by way of example and not  
9 intended as an exhaustive listing, Firestone refers plaintiffs to the copyrighted articles entitled  
10 “Tire Examination After Motor Vehicle Collisions,” Chapter 8 of Traffic Collision Investigation  
11 (Northwestern University Center for Public Safety, 2001) and “Introduction to Tire Safety,  
12 Durability and Failure Analysis,” Chapter 15 of The Pneumatic Tire (National Highway Traffic  
13 Safety Administration, 2005). However, to the extent this request includes all “studies, testing  
14 and/or validation” of theories regarding impact damage without limitation in time, it is overly  
15 broad and seeks information that is irrelevant and not reasonably calculated to lead to the  
16 discovery of admissible evidence. In addition, to the extent this request seeks to obtain the  
17 product of the investigation done by Firestone in anticipation of litigation or the mental  
18 impressions of Firestone and/or its counsel and/or its consulting experts, Firestone objects to this  
19 request to the extent that it seeks information protected from discovery as attorney work product.

20 REQUEST NO. (b): all documents, reports, memos, emails, electronic or magnetic data, and  
21 tangible things that relate to, contain, or reflect in any manner warnings or instructions to  
22 consumers regarding the alleged risk of tire failure due to  
overdeflection/overloading/underinflation;

23 RESPONSE: Firestone instructs and warns about the proper care, service and maintenance of its  
24 tires in various ways. By way of example, warnings and information related to the proper use and  
25 inflation are molded onto the sidewall of the tire and contained in a label affixed to the tread of  
26 the tire. Additional safety and servicing information is also contained in the Tire Maintenance  
Warranty and Safety Manual, which would have been provided in the vehicle’s glove

1 compartment if the vehicle was originally equipped with Firestone tires and/or available at the  
2 point of purchase if the tires were purchased from a Firestone store or an independent dealer.  
3 Firestone, as a member of the Rubber Manufacturer's Association ("RMA") and the Tire Industry  
4 Safety Council ("TISC"), has also disseminated to the public various tire care and service  
5 materials. In addition, Firestone offers information regarding tire maintenance, replacement and  
6 safety on its website, www.tiresafety.com. Firestone has already offered to provide counsel for  
7 plaintiffs a copy of the Tire Maintenance Warranty and Safety Manual applicable to the subject  
8 tire and samples of RMA and TISC materials that may be applicable to the subject tire. However,  
9 to the extent that plaintiffs seek "all documents" regarding warnings and instructions" given to  
10 consumers without limitation as to a particular tire or time frame, Firestone objects to this request  
11 on the grounds that it is overly broad and seeks information that is irrelevant and not reasonably  
12 calculated to lead to the discovery of admissible evidence.

13 REQUEST NO. (c): all documents reviewed by the witness in preparation for this deposition;

14 RESPONSE: Firestone refers plaintiffs to the documents referenced in response to Requests No.  
15 (a) and (b) above. However, the documents, if any, to be reviewed by the witness or witnesses  
16 offered by Firestone, will be selected by counsel and would reflect counsel's mental impressions.  
17 Therefore, Firestone objects to this request to the extent that it seeks information that is protected  
18 from discovery as attorney work product.

19 REQUEST NO. (d): the witness' current resume and bibliography.

20 RESPONSE: Firestone will provide counsel for plaintiffs a copy of the resume or CV, if any, of  
21 the witness or witnesses it offers in response to this Notice.

22 DATED this 6<sup>th</sup> day of June, 2008.

FENNEMORE CRAIG, P.C.

23  
24 By s/Scott Day Freeman

William L. Thorpe  
Scott Day Freeman  
Attorneys for Defendants  
Bridgestone Firestone North American Tire,  
LLC, and Bridgestone Americas Holding, Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2007, I electronically transmitted the attached document to the Clerk's Office using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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