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HAEGER v. GOODYEAR TIRE AND RUBBER CO.

No. CV-05-02046-PHX-ROS.

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Citing Case

906 F.Supp.2d 938 (2012)

Leroy HAEGER, et al., Plaintiffs, v. GOODYEAR TIRE AND RUBBER CO., et al., Defendants.

United States District Court, D. Arizona.

November 8, 2012.

Attorney(s) appearing for the Case

[Blanca Quintero](#), Cozen O'Connor, San Diego, CA, [David L. Kurtz](#), Kurtz Law Firm, Scottsdale, AZ, [John James Egbert](#), [Michael J. O'Connor](#), Jennings Strouss & Salmon PLC, [James Michael Abernethy](#), Abernethy & Green PLC, Phoenix, AZ, for Plaintiffs.

[George Ian Brandon, Sr.](#), [Kendall Kyle Wilson](#), [Brian Michael McQuaid](#), Squire Sanders (US) LLP, [Graeme Em Hancock](#), Fennemore Craig PC, Phoenix, AZ, [George W. Rooney, Jr.](#), Roetzel & Andress LPA, [Jill G. Okun](#), Squire Sanders & Dempsey LLP, Cleveland, OH, [Walter M. Yoka](#), Yoka & Smith LLP, Los Angeles, CA, for Defendants.

ORDER

ROSLYN O. SILVER, Chief Judge.

Litigation is not a game. It is the time-honored method of seeking the truth, finding the truth, and doing justice. When a corporation and its counsel refuse to produce directly relevant information an opposing party is entitled to receive, they have abandoned these basic principles in favor of their own interests.¹ The little voice in every attorney's conscience that murmurs *turn over all material information* was ignored.

Based on a review of the entire record, the Court concludes there is clear and convincing evidence that sanctions are required to be imposed against Mr. Hancock, Mr. Musnuff, and Goodyear. The Court is aware of the unfortunate professional consequences that may flow from this Order. Those consequences, however, are a direct result of repeated, deliberate decisions by Mr. Hancock, Mr. Musnuff, and Goodyear to delay the production of relevant information, make misleading and false in-court statements, and conceal relevant documents. Mr. Hancock, Mr. Musnuff, and Goodyear will surely be disappointed, but they cannot be surprised.

FINDINGS OF FACT**I. The Accident**

In June 2003, Leroy and Donna Haeger, along with Barry and Suzanne Haeger (collectively "the Haegers"), were traveling in a motor home owned by Leroy and Donna. It was manufactured by Gulf Stream Coach ("Gulf Stream") on a chassis manufactured by Spartan Motors, Inc. ("Spartan"). The motor home had "G159" tires manufactured by Goodyear Tire and Rubber Company ("Goodyear"). While traveling on the highway, one of the motor home's front tires failed, followed immediately by the motor home leaving the road and tipping over.² The Haegers suffered serious injuries as a result. The motor home was insured by Farmers Insurance Company ("Farmers").

II. Initial Proceedings