

1 Patrick J. McGroder, III – 002598
pjm@gknet.com

2 Kevin D. Neal – 011640
Kevin.neal@gknet.com

3 **GALLAGHER & KENNEDY, P.A.**
2575 East Camelback Road
4 Phoenix, Arizona 85016-9225
Telephone: (602) 530-8000

5 David L. Kurtz - 007433
6 dkurtz@kurtzlaw.com
THE KURTZ LAW FIRM
7 7420 East Pinnacle Peak Road, Suite 128
Scottsdale, Arizona 85255
8 Telephone: (480) 585-1900

9 Attorneys for *Plaintiffs*

10

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

12 **IN AND FOR THE COUNTY OF MARICOPA**

13 ESTATE OF LEROY HAEGER; DONNA
14 HAEGER, individually and as personal
representative of the Estate of LeRoy
15 Haeger; BARRY HAEGER and SUZANNE
HAEGER,

16 Plaintiffs,

17 vs.

18 THE GOODYEAR TIRE & RUBBER
COMPANY, an Ohio corporation;
19 FENNEMORE CRAIG, P.C., an Arizona
professional corporation; ROETZEL &
20 ANDRESS, a legal professional association;
GRAEME HANCOCK; BASIL MUSNUFF;
21 DEBORAH OKEY,

22 Defendants.

No. CV2013-052753

AMENDED COMPLAINT

(Jury Trial Demanded)

(Assigned to the Honorable
John Rea)

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1 194. The disclosure by Goodyear represented to the Haeger Plaintiffs and the
2 Court that these additional tests which were being disclosed represented the
3 remaining body of requested but previously concealed test data.

4 195. The newly disclosed test results which had been concealed for years
5 from the Haegers were previously printed from a Goodyear database on January 24,
6 2007 at 2:26 p.m.

7 196. The previously disclosed high speed tests were also printed from the
8 same database on January 24, 2007 at 2:26 p.m.

9 197. Goodyear and its attorneys made a purposeful decision to conceal the
10 heat rise test results at the time it decided to disclose the high speed test results.
11 Goodyear made this decision because the heat rise tests recorded temperatures
12 predictive of imminent failure of the G159 in a highway application.

13 198. The purpose of the newly disclosed tests was to determine dynamic
14 heat buildup at specific speed, load, and inflation for the G159.

15 199. The test is run, like the high speed tests, on a 67" steel wheel.

16 200. The test is run at 35 MPH.

17 201. The newly disclosed tests revealed that four tires were subjected to this
18 test on April 21, 1996.

19 202. The tests revealed temperatures up to 229° Fahrenheit.

20 203. For the first time, more than five (5) years after they were requested,
21 Goodyear disclosed tests where temperatures were recorded on a 67" steel wheel at
22 the equivalent of highway speed. According to Goodyear's previously disclosed
23 expert testimony, the temperatures generated at 35 MPH on the 67" steel wheel are
24 the equivalent of 62.5 MPH in highway use. The newly disclosed test revealed that at
25 62.5 MPH, the G159 was generating heat up to 229° Fahrenheit, a temperature
26 which Goodyear experts had admitted was predictive of tread separation failures if
27 the tire was exposed to prolonged operating conditions at that speed, like what
28 would regularly occur in motorhome use.