

[REDACTED]  
[REDACTED]  
Los Angeles, California [REDACTED]

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December 23, 2006

CL-10179552-6874

U.S. Department of Transportation  
National Highway Traffic Safety Administration  
Office of Defects Investigation (NVS-210)  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590

Re: Continental Tire North America Claim # 6264005;  
Tire 195/70HR14, Conti TS 772, DOT: CUJ9UME499 (1989)

Gentlemen:

The enclosures relate to a damage claim arising out of an inexplicable failure of a vehicle tire only months after it was purchased. Obviously, I erred in addressing my complaint and claim to the dealer and manufacturer of the defective tire without first registering the complaint with the Department of Transportation. As my earlier letters (copies enclosed) show, the tire in question was purchased in November of 2005, and failed with calamitous results in July of 2006. The photos show the nature and extent of damage to the tire, and to my vehicle. The one "tagged" photo was made by the manufacturer, after the tire was submitted to it, at its request. The others all were taken by my husband, shortly after the tire failure.

Before it failed, the tire had been used only under normal traffic conditions, properly inflated, frequently inspected, and never repaired or damaged. It had very little tread wear, and no noticeable defects. I suppose that I was naive to expect an inspection by an unbiased and independent agency. I was shocked to receive the manufacturer's notice of rejection of my claim, and even more shocked by its explanation of the rejection.

Please accept this as my safety complaint to NHTSA. I am the owner of the vehicle on which the tire was mounted, a Toyota Camry, VIN 4T1BG22K8WU [REDACTED]. My contact address is [REDACTED] Los Angeles, California [REDACTED]. I also may be reached by telephone at [REDACTED], or by e-mail to [REDACTED].

Your assistance will be greatly appreciated.

Respectfully,

[REDACTED]

aa  
1/12/07  
cc

[REDACTED]

December 23, 2006

Warranty Claim Department  
Continental Tire North America, Inc.  
1950 Continental Boulevard  
Charlotte, North Carolina 28273

Re: Claim # 6264005; Tire 195/70HR14, Conti TS 772, DOT: CUJ9UME499 (1989)

Gentlemen:

Your December 4, 2006 response to my referenced claim is wholly unsatisfactory. All eligibility requirements outlined in your warranty were met, and all required documents and other materials were supplied. Before the tire simply disintegrated with disastrous consequences, it had been subjected to no more than normal road usage. At all times before it failed, it had been inspected regularly, properly inflated, and never repaired or damaged in any way. It was scarcely eight months old, had been driven for less than 2,200 miles, and had less than 2/32 inches of tread wear.

When a vehicle tire fails so dramatically under such circumstances, the familiar legal doctrine of *res ipsa loquitur* applies. Your response, based solely on a self-serving inspection by your own technicians, falls far short of the burden of proof imposed on the tire manufacturer. The abrupt failure of the tire, and the significant damage that resulted, both are evident from the photographs supplied to you. Your implication that the tire experienced impact damage is simply contrary to fact.

You may not destroy the physical evidence of this tire failure. You are hereby directed to return the tire for inspection by an independent authority of my choosing. I will then determine what further action is required to secure satisfaction.

Respectfully,

[REDACTED]

cc: U.S. Department of Transportation

December 4, 2006

[REDACTED]  
Los Angeles, CA [REDACTED]

Claim #: 6264005

Tire: 195/70HR14, Conti TS 772, DOT: CUJ9UME499 (1989)

Dear [REDACTED]

We have completed the technical examination of the tire.

The examination revealed that your tire experienced impact damage. The tire may not actually fail at the time of impact. Impacts can damage the internal structure of the tire and it may be many miles before the damage becomes visible.

The examination did not reveal any material and / or workmanship related conditions to explain the failure of the tire.

Since service related conditions are beyond the control of the manufacturer, we must, therefore, respectfully decline your claim. Please refer to the enclosed Limited Warranty and Adjustment Policy brochure under the topic what is *not covered*. Additionally, for your reference, we have also included a copy of the RMA Motorist Tire Care and Safety Guide.

The subject tire will be held for 30 days from the date of this letter and then disposed. Should you have any questions, contact us at (800) 266 – 5139

Sincerely,

Warranty Claim Department  
Continental Tire North America  
[ServiceCenter@conti-na.com](mailto:ServiceCenter@conti-na.com)

Continental Tire  
North America, Inc.  
1950 Continental Blvd  
Charlotte, NC 28273

Phone: 800 266-5139  
Fax: 704 588-8476

Jain's Tire, Inc.  
1531 Fourth Street  
San Rafael, CA 94901

Los Angeles, Calif.  
August 26, 2009

Dear Sir:

While a houseguest of [REDACTED] I came in on their recommendation on 11-25-05 to have a blown out tire replaced. I have a Toyota Camry and you sold me a Continental tire for \$81.07, which I paid with VISA.

On the afternoon of July 30th, 2006, on the 134 freeway to Pasadena, the tire exploded. I crossed three lanes to get to the shoulder some 30' from a call box. I waited until both the CHP and a Metro truck arrived to change the tire. Both the driver and the officer remarked that there was no tread wear and it must have been a defective tire. Indeed, I had had my major 60,000 mile checkup a month before, and the odometer read 60255 at that time (bill enclosed for proof). The car had 62876 on it when the tire failed.

As you can see by the enclosed pictures, sections came off and the steel inside whipped around, damaging the paint. The fender skirt was torn, which broke off the bumper retaining clip, and the bumper is buckled. My husband went on the internet and, from the numbers on the tire, it seems it was made in Germany in 1999!!!! I know that some of the Continental series have been recalled. Should this have been one of them? The numbers on the tire are: Continental 195/70 89H, HR 14 Radial Tubeless T5 772 772, DOT 6U9G UN E 499.

Enclosed is the repair bill which totals \$933.75. Since you sold me the tire, if you don't warrant it yourself, you need to send the claim to Continental or whomever you deal with. To repeat, the explosion happened when the tire had less than 2200 miles on it and only 8 months use.

We annually spend Thanksgiving with the [REDACTED]. If you wish me to return the tire to you, we can bring it with us this coming November. However, I want to get a new spare and repair the damage as quickly as possible.

Please advise.

[REDACTED]

Continental Tire Co.

Dear Sir:

This is a copy of the original letter sent to the company from which I bought your tire. Enclosed are all the documents you require, and pictures of the tire and damage. We did not file an insurance claim as there was no other car involved and doing so, for something which was NOT my fault, will increase our insurance rate. The tire was picked up yesterday afternoon by DHL and should reach you shortly. We leave Monday for two weeks vacation, should you try to reach me. Thank you.

[REDACTED]

Nov. 15, 2006







