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INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

9

MAY 24 2010

STATE OF MISSISSIPPI

CL-10329652-4087



OFFICE OF THE ATTORNEY GENERAL

JIM HOOD
ATTORNEY GENERAL

CONSUMER PROTECTION
DIVISION

May 17, 2010

National Highway Traffic Safety
Administration
1200 New Jersey Avenue, SE, West Bld.
Washington, DC 20590

RE: [REDACTED] vs. Cooper Tire & Rubb

Dear Madam or Sir:

Enclosed herewith is an inquiry recently received by the Office of the Attorney General. Because it appears to fall within the purview of your agency, it is forwarded for disposition as you deem appropriate. A copy of this letter has been provided to the consumer.

Please feel free to contact this office should you have any questions regarding this matter. Thank you for your cooperation in this matter.

Sincerely,


Clifford H. Harper
Consumer Protection Division

c: [REDACTED]
Enclosure

550 HIGH STREET - SUITE 1200 - JACKSON, MISSISSIPPI 39201
POST OFFICE BOX 22947 - JACKSON, MISSISSIPPI 39225-2947
TELEPHONE (601) 359-4230 - FACSIMILE (601) 359-4231

NM
060810
TGW

OFFICE OF CONSUMER PROTECTION

Jim Hood, Attorney General

State of Mississippi

Post Office Box 22947

Jackson, Mississippi 39225-2947

Telephone (601) 359-4230, (800) 281-4418; Fax (601) 359-4231

OFFICE USE ONLY

Assigned to

Date assigned

Matter No.

CS-10-01764

Matter Type: Advocacy Fraud Complaint Type: Call Write Walk-in Referral

COMPLAINT FORM

ACTION DESIRED: Please check one. Repair item Replace item ☒ Refund (amount \$ 1083.96)

CONSUMER INFORMATION:

Name [REDACTED] Age 48 Sex M Race W

(Optional, for statistical purposes, only)

Address [REDACTED] City Terry State MS Zip [REDACTED]

Home Phone [REDACTED] Work Phone [REDACTED]

Fax Number [REDACTED] E-mail Address [REDACTED]

COMPANY INFORMATION: (complete information applying to your complaint)

Name Cooper Tire & Rubber Co. Business Phone: 800-854-6288

Owner/Manager Pamela Martin, Consumer Quality Systems (Findlay, OH)

Address 2205 Martin Luther King Blvd. City Clarksdale State MS Zip 38614

Name of person with whom you dealt "

Product or service Six Cooper tires Manufacturer Cooper

Model (year/type/number) Discoverer S/T Serial Number N/A

Date of purchase or service 7/22/04 + Place of purchase or service Meridian dealer

Amount paid \$1083.96 Amount financed 0

Date of your last contact with business NA

With whom did you speak? N/A His/Her title?

What was the response?

INCLUDE COPIES OF ALL CORRESPONDENCE WITH THIS COMPLAINT FORM

Have you retained a private attorney regarding this matter? Yes _____ Not yet

What other agencies have you contacted about this complaint? OHIO AG, NHTSA, BBB

Do you know of others with similar complaints against this company?

Name

Address

Phone

I understand there are many complaints & some recalls. I do not know any of the victims.

SUMMARY OF COMPLAINT

(Briefly describe your complaint. Include specific dates. Please remember a copy of this form will be given to the business. Attach additional sheets if necessary.)

See letters

Attach **COPIES** of any relevant documents such as letters, bills of sale, contracts, warranties, advertisements, work orders, bills, etc. DO NOT SEND ORIGINALS TO THIS OFFICE.

Check Action Desired: _____ Repair Item _____ Replace Item X Refund (amount \$ 1083.96)

AFFIDAVIT

By signing this complaint, I consent for my name to be used by the Attorney General's Office in any subsequent legal action that is deemed necessary.

I hereby swear or affirm that the above statements are true and correct to the best of my knowledge.



5/6/10
Date

Terry, MS

April 22, 2010

Cooper Tire & Rubber Company
P.O. Box 550
Findlay, OH 45839-0550

Re: Defective tires

Dear Ladies and Gentlemen:

On July 22, 2006, I purchased a set of six (6) of your Discoverer ST tires, size LT255/85R16D, which were installed on my 1999 Ford F350 Superduty 4x4 DRW truck. All tires are frequently visually and pressure checked with no problems evident.

On or about October 21, 2008, after about 23,000 miles, the first tire failed, with complete tread separation from the carcass and causing vehicle damage. This tire was replaced by a dealer with me paying for about half of it. See photo.

On or about July 8, 2009, after about 26,000 miles, the second tire failed with incipient tread separation. This was also replaced by a dealer with me paying for about half of it.

On or about November 20, 2009, after about 28,000 miles, the third tire failed catastrophically with complete tread separation and sudden explosive rupture of the carcass, causing more vehicle damage and a very dangerous accident, but fortunately involving no other vehicles and causing no injuries. This tire replacement and a portion of the damage cost were reimbursed by Cooper's insurance/law firm. See photo.

On April 17, 2010, after about 29,000 miles, the fourth tire failed with partial tread separation and sudden explosive rupture of the carcass and tread area. I still have possession of this tire, and will retain it until my bill below is satisfied. See photo.

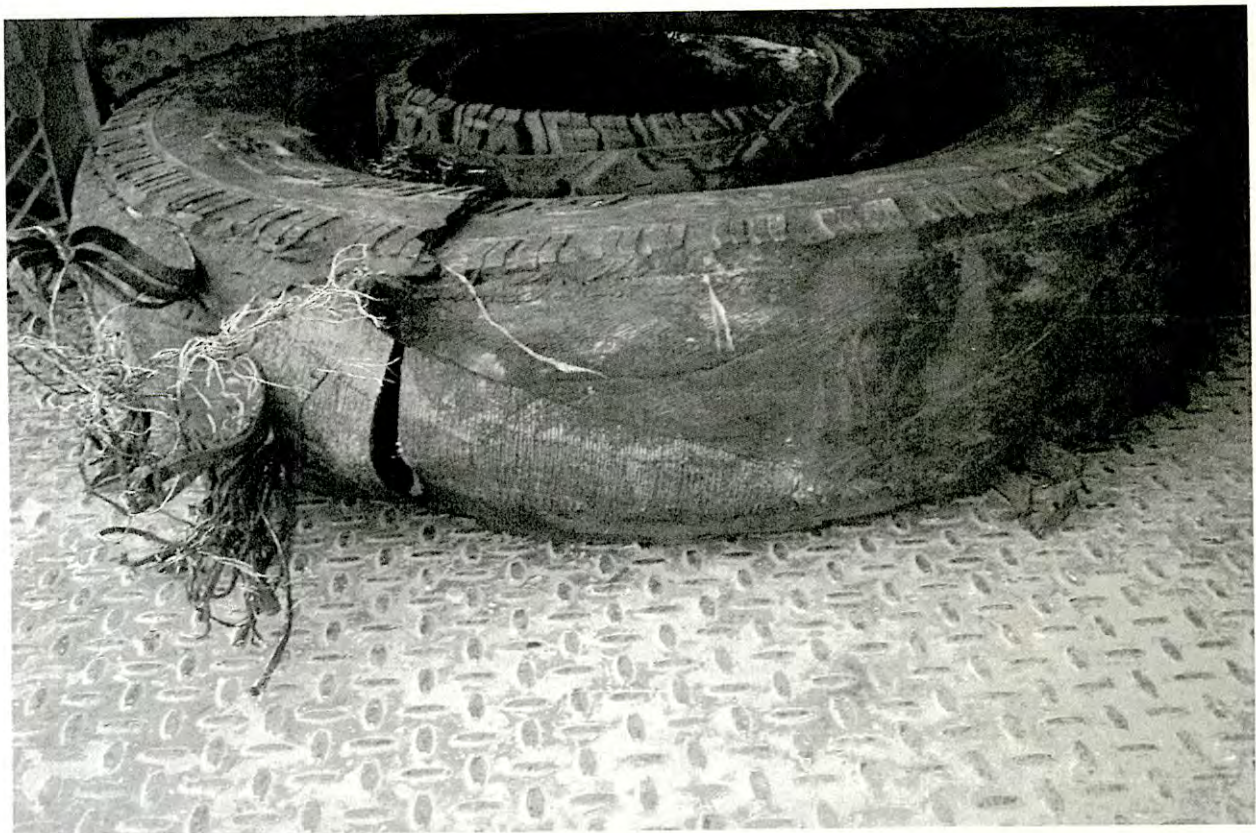
I did some research and learned that it is unwise to return defective tires to you or your dealers, as they are evidence. Cooper has dozens of recalls for similar problems, though Cooper has not contacted me to replace my defective set of tires. I learned that Cooper has changed its rubber compound, perhaps many times, without informing its suppliers of other components (wire, fabric, etc.), about the changes, which resulted in a defective product that fails catastrophically.

Obviously I no longer trust your tires with my life. So far, FOUR (4), that is 1, 2, 3, 4, of these six tires have failed completely. I can no longer drive my truck, because it, and possibly I, will not get where I am going. I am replacing all of these tires with another brand that has a reputation of reliability. This is quite expensive, and should be unnecessary. However, since Cooper has made it necessary, please send your reimbursement for my defective tires immediately. My original cost was \$911.22, plus my replacements of #1 and #2 at \$95.86 and \$76.88, respectively, for a total of \$1083.96. Please note that this does not include damage from failed tire #1, or the cost of roadside repair services (four times), lost trips and time, emotional distress, many trips to dealers and shops, loss of truck use (it is still out of service), etc.

#1:



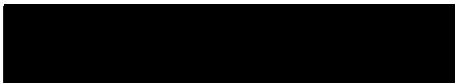
#3:



#4:



Sincerely,



Copies to:

Cooper Tire Co.
P.O. Box 130
2205 Martin Luther King Blvd.
Clarksdale, MS 38614

NHTSA Headquarters
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590

Legal

Crawford U.S. Property & Casualty
7102 Commerce Way, Suite 102
Brentwood, TN 37027

[REDACTED] Terry, MS [REDACTED]

May 6, 2010

Ms Pamela Martin
Consumer Quality Systems
Cooper Tire & Rubber Co.
701 Lima Avenue
Findlay, OH 45840

Re: Defective tires, Reference confirmation #86535

Dear Ms Martin:

Thank you for your prompt response to my April 22 letter. I am afraid that I did not make myself clear. Please allow me to restate the issue:

I bought six Cooper Discoverer S/T tires

4 have failed catastrophically, sometimes causing damage and an accident.

A fifth one is now cracking deeply between the tread.

I have replaced all six tires with another brand.

I do not need any replacements or adjustments with any other Cooper manufactured tires. I will no longer use any Cooper products because I believe they will likely result in serious or fatal injury, sooner or later.

I am willing to give you back these defective tires, once I am reimbursed my cost for them. You may send my check to a local Cooper dealer, where I can trade them in for the check so we will all be satisfied.

Sincerely,

[REDACTED]

cc: MS AG (w/enc)
OH AG (w/enc)
BBB (w/enc)

F 34866



* INVOICE * #424963

Brandon

210 Orleans Way
825-TIRE (8473)
In Front of Home Depot

Flowood

1005 Lakeland Place
919-TIRE (8473)
In Front of Walmart

Madison

2019 Strawberry Hill
856-TIRE (8473)
Behind McDonald's

N. Jackson/Ridgeland

6371 I-55 North
977-TIRE (8473)
Beside Target

Sold To:

TERRY, MS

ACCOUNT#: 404136

DATE : 07/08/09

Ph. 601 878 5341 INVOICE #: 424963
Billed By: SALES COUNTER-ST#4
Salesman: MORGAN SMITH
Tx:Y EX#: Ct:R
KID#: SPACE#:

Mileage:
VIN#:

Quantity	Product #	Size/Description/Mfr#	Bin#	T-M-D	Unit Price	F.E.T.	Extended Amount
1.0	OS-HESS	2550516 COOPER ST		1-5-M	165.66		165.66
1.0	TI-WASTE	TIRE WASTE DISPOSAL FEE		1-5-E	3.00		3.00
1.0	TI-TAX	MS TIRE TAX		0-5-I	1.00		1.00
1.0	TI-PURCHASE	MT/BALANCE/ VALVE STEM		1-5-B			
1.0	TI-DECLINEAF	DECLINED AMERICAN FREEDOM PLAN		1-5-E			
				1-5-			
-1.0	TI-ADJUSTMEN	AFP ADJUSTMENT		1-5-K	101.05		-101.05
1.0	SS99-4	SHOP SUPPLY FEES		1-0-H	3.31		3.31

Merchandise	Services & Other	F.E.T.	Subtotal	Sales Tax	Total
68.61	3.31	0.00	71.92	4.96	76.88
Comments:	Terms:	PO#	Misc. Adj. \$	0.00	
			Cash or Check #: \$	0.00	
			Credit Card. . . MC . . \$	76.88	
			Balance. . . . : C . . . \$	0.00	
			Page 1 of 1		

Received By:

BOOK YOUR NEXT SERVICE ONLINE AT:
WWW.UPTONTIREPROS.COM
Fast • Convenient • Guaranteed

F25736



* INVOICE * #413985

7-5:30

Morgan
wed

FLD, MS 39232
PH. 601-919-9895

Brandon

210 Orleans Way
825-TIRE (8473)

In Front of Home Depot

Sold To:

Flowood

1005 Lakeland Place
919-TIRE (8473)

In Front of Walmart

Madison

2019 Strawberry Hill
856-TIRE (8473)

Behind McDonald's

N. Jackson/Ridgeland

6371 I-55 North
977-TIRE (8473)

Beside Target

ACCOUNT#: 404136

DATE : 10/21/08

TERRY, MS

Ph. 6018785341 INVOICE #: 413985
Billed By: SALES COUNTER-ST#4
Salesman: DANIEL HILSON S#:6 Rt:
Tx:Y EX#: Morgan Ct:R IWS:
KID#: STUnits: 0

VIN#:

Mileage: 128,795

Quantity	Product #	Size/Description/Mfr#	Bin#	T-W-D	Unit Price	F.E.T.	Extended Amount
		.601-961-5124		X- -			
1.0	OS-AMPAC	LT255/85R16 COOPER ST		1-2-4	170.65		170.65
1.0	TI-WASTE	TIRE WASTE DISPOSAL FEE		1-2-E	3.00		3.00
1.0	TI-TAX	MS TIRE TAX		0-2-I	1.00		1.00
1.0	TI-PURCHASE	MT/BALANCE/ VALVE STEM		1-2-B			
1.0	TI-DECLINEAF	DECLINED AMERICAN FREEDOM PLAN		1-2-E			
-1.0	CO-DISCOUNT	COOPER ADJUSTMENT		1-2-G	85.00		-85.00

Merchandise	Services & Other	F.E.T.	Subtotal	Sales Tax	Total
174.65	-85.00	0.00	89.65	6.21	95.86

Comments:	Terms:	PO#	Misc. Adj. \$	0.00
			Cash or Check #: \$	0.00
			Credit Card. . . VI . . \$	95.86

Balance. . . . : C . . . \$ 0.00
Page 1 of 1

Received By:

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128,795
131,351

Phone (601) 693-7776

EXCHANGES ON APPROVAL OF MANAGER
SPECIAL ORDERS PAID IN FULL IN ADVANCE, PLUS FREIGHT AND HANDLING-NO EXCHANGE
I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY
MATERIALS. YOU AND YOUR EMPLOYEES MAY OPERATE ABOVE VEHICLE FOR PURPOSES
OF TESTING.
TERMS: 1ST-25TH BILLED 26TH. DUE BY 10TH. LATE BY 20TH. 1 2/2% LATE CHARGE..

AUTHORIZED BY:

SUB	84600
TAX	5922
EPA	600
TOTAL	91122



COOPER TIRE & RUBBER COMPANY
701 Lima Avenue • Findlay, OH 45840 • 419.423.1321

April 27, 2010

[REDACTED]
Terry, MS [REDACTED]

Dear [REDACTED]

Thank you for contacting us regarding your recent tire issue. I can assure you product quality and customer satisfaction is very important to Cooper Tire & Rubber Company. Cooper products are backed by a workmanship and material warranty that is administered by the dealers on a regular basis.

The Cooper Discoverer S/T tire is covered under a standard workmanship and material warranty that is prorated based on how much tread is remaining on the tires. The tires must be worn evenly, free of improper repairs, and have an adjustable condition under the Cooper Limited Warranty. The dealer determines if your tire is adjustable for credit and sends it in for credit on another Cooper brand tire. The tire you purchased does not have a free replacement warranty, the warranty is prorated based on the remaining tread depth.

Warranty terms cannot be applied without a tire. The product must be returned for warranty credit to be issued. If you would like to have the tires evaluated for consideration of reimbursement of tire cost, please call our Consumer Relations Department at 800-854-6288 and reference confirmation number 86535.

Sincerely,

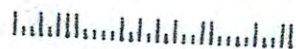
Pamela Martin
Consumer Quality Systems
Cooper Tire & Rubber Co.
Enclosure 1

ISION

47



National Highway Traffic Safety
Administration
1200 New Jersey Avenue, SE, West Bld.
Washington, DC 20590



M Hood
NEY GENERAL



PROTECTION DIVISION
OFFICE BOX 22947
MISSISSIPPI 39225-2947



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MAILED FROM ZIP CODE 39201

National Highway Traffic Safety
Administration
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Washington, DC 20590

