

SUPREME COURT OF MISSISSIPPI

Cooper Tire and Rubber Co. v. Tuckier

826 So. 2d 679 (Miss. 2002) · No. No. 2000-CA-00404-SCT · Decided January 10, 2002

SUMMARY

The Mississippi Supreme Court affirmed a jury verdict against Cooper Tire in a wrongful-death products-liability action arising from a tire-tread separation and vehicle rollover. The court held that the plaintiffs presented sufficient evidence under the Mississippi Products Liability Act, and it rejected Cooper's challenges to evidentiary rulings, trial arguments, and the compensatory and punitive damages awards.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	McRae, P.J.; Waller, J.; Diaz, J.; Easley, J.; Graves, J.; Smith, P.J.; Pittman, C.J.; Cobb, J.; Carlson, J.
JURISDICTION	Mississippi
DECIDED	January 10, 2002
DOCKET	No. 2000-CA-00404-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cooper appealed from a jury verdict and judgment imposing compensatory and punitive damages in a Mississippi Products Liability Act wrongful-death action.
STANDARD OF REVIEW	For denial of a directed verdict, the evidence is viewed in the light most favorable to the appellee and affirmance is required when substantial evidence supports the verdict; reversal and rendition is required only when the evidence favors the appellant so overwhelmingly that reasonable jurors could not have reached a contrary verdict. Denial of a motion for mistrial is reviewed for abuse of discretion. Punitive damages are disturbed only when so excessive that they evince passion, bias, or prejudice and shock the conscience of the court.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Mississippi, decided en banc.

PARTIES

Cooper Tire and Rubber Company v. Trudys Tuckier, individually, and as Administratrix of the Estate of Laura Dawn Tuckier, deceased, and as Representative of the Wrongful Death Beneficiaries

TOPICS

products liability

wrongful death

punitive damages

evidence

appellate procedure

PRACTICE AREAS

products liability

wrongful death

evidence

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QUESTIONS PRESENTED

1. Whether the Tuckiers presented a prima facie manufacturing-defect claim under the Mississippi Products Liability Act sufficient to withstand Cooper's motion for directed verdict.
2. Whether the admission of testimony and references concerning witnesses' motivations, other Cooper tire claims, Cooper's redacted quality-assurance manual, and x-ray evidence constituted reversible error.
3. Whether the compensatory-damages award was proper.
4. Whether the punitive-damages award was authorized by sufficient evidence and was not excessive.

HOLDINGS

1. The Tuckiers presented sufficient evidence to establish a prima facie MPLA claim and to support the jury's finding that the tire was materially defective because bad stock caused a failure of the chemical bond between the rubber and steel belts.
2. The trial court did not err in admitting testimony about former Cooper employees' motivations for testifying because the testimony responded to Cooper's attempt to portray the witnesses as biased or motivated by animosity.
3. The questioning of the plaintiffs' expert about other Cooper tire cases did not constitute reversible error because Cooper opened the door by attacking the expert's experience and credibility, and the trial court gave a limiting instruction.
4. The trial court did not abuse its discretion by allowing the plaintiffs to question witnesses about blank or redacted pages in Cooper's quality-assurance manual after the manual was admitted into evidence without objection.
5. The trial court did not abuse its discretion by allowing the plaintiffs' expert to testify about x-rays of the other three tires because Cooper's cross-examination had challenged the expert's inspection of those tires and the x-rays were relevant to rehabilitating his testimony.
6. The \$485,000 compensatory-damages award, including the \$329,000 apportioned to Cooper, was supported by the evidence and was proper.
7. The evidence was sufficient to submit punitive damages to the jury, and the \$3 million punitive-damages award was not excessive.

KEY QUOTATIONS

“The Tuckiers did meet their burden of proof when they put on expert testimony that the subject tire did in fact fail due to the use of bad stock, which in turn failed to create a chemical bond in the tire.” (682-683)

“Punitive damages may not be awarded if the claimant does not prove by clear and convincing evidence that the defendant against whom punitive damages are sought acted with actual malice, gross negligence which evidences a willful, wanton or reckless disregard for the safety of others, or committed actual fraud.” (690)

FACTUAL BACKGROUND

Laura Dawn Tuckier died after the rear tire of her Bronco II separated, causing the vehicle to lose control and roll over. The tire was manufactured by Cooper, and the plaintiffs' expert testified that the tire failed because rubber stock used between the steel belts had not chemically bonded properly. Former Cooper employees testified that Cooper knowingly used old or defective stock in tire manufacturing. The jury awarded \$485,000 in compensatory damages and \$3 million in punitive damages, allocating 68 percent of the fault to Cooper.

PROCEDURAL HISTORY

The Tuckiers sued several defendants after Laura Tuckier died in a rollover accident allegedly caused by separation of a Cooper-manufactured tire tread. The other defendants settled before trial, while the jury apportioned 68 percent fault to Cooper and awarded compensatory and punitive damages. The Circuit Court of Panola County denied Cooper's motions for directed verdict and mistrial and entered judgment; the Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Sentinel Indus. Contracting Corp. v. Kimmins Indus. Serv. Corp., 743 So. 2d 954, 960 (Miss. 1999)
- Bass v. State, 597 So. 2d 182, 191 (Miss. 1992)
- Fleming v. State, 604 So. 2d 280, 291 (Miss. 1992)
- Eakes v. State, 665 So. 2d 852, 868 (Miss. 1995)
- Florence v. State, 755 So. 2d 1065, 1070 (Miss. 2000)
- Fielder v. Magnolia Beverage Co., 757 So. 2d 925, 937 (Miss. 1999)
- General Motors Corp. v. Jackson, 636 So. 2d 310, 311 (Miss. 1992)
- Valley Forge Ins. Co./CNA Ins. Co. v. Strickland, 620 So. 2d 535, 541 (Miss. 1993)
- Andrew Jackson Life Ins. Co. v. Williams, 566 So. 2d 1172, 1190-91 (Miss. 1990)
- Banker's Life & Cas. Co. v. Crenshaw, 483 So. 2d 254, 278 (Miss. 1985)
- BMW of North Am., Inc. v. Gore, 517 U.S. 559, 116 S. Ct. 1589, 134 L. Ed. 2d 809 (1996)
- Paracelsus Health Care Corp. v. Willard, 754 So. 2d 437, 445 (Miss. 1999)
- Leverette v. Louisville Ladder Co., 183 F.3d 339, 341 (5th Cir. 1999)

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