

## AFFIDAVIT OF JOHN BLAISE GSANGER

I, John Blaise Gsanger, being of lawful age and first duly sworn upon oath, depose and state the following.

1. My name is John Blaise Gsanger. I am over the age of 18 and of sound mind. The facts stated herein are within my personal knowledge and are true and correct.

2. I am an attorney licensed to practice in Texas. I am a partner with The Edwards Law Firm based in Corpus Christi, Texas. A large part of my practice involves representing individuals in products liability cases in connection with tire failures. As part of my law practice, I personally have had the following experiences producing tires to defendants for unsupervised inspections where the defendant took temporary custodial possession of those tires.

3. In *Martha Rodriguez, et al. v. Firestone Tire & Service Centers, et al.*, No. C-115,396 (244<sup>th</sup> Dist., Ct. Ector County Tex.), a defense expert damaged the bead of the tire dismounting it after the crash, and while the plaintiffs understood this damage to have been the result of the defense inspection, the defendants claimed it was pre-crash damage that contributed to the tire failure. This dispute became an overwhelming distraction at trial.

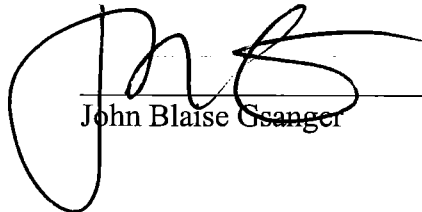
4. In *Kimberly Hargrove, et al. v. Hankook Tire America Corp., et al.*, No. 42940 (118<sup>th</sup> Dist. Ct. Howard County Tex.), the plaintiffs' retained expert found no tear in the tire carcass which penetrated the tire's innerliner, and the defense's retained expert found no tear in the tire carcass which penetrated the tire's innerliner, but the third and final inspection by defendant's in-house forensic analyst found that tear in the carcass which penetrated the innerliner. The defense analyst claimed to have "found" this innerliner puncture – which expert for both sides did not detect in their earlier inspections – by using a sharp instrument to "probe" a tear in the carcass to "see" if that tear penetrated through the innerliner. The question whether this in-house analyst found the innerliner puncture with his sharp probe or created the puncture

with that probe became the issue that dominated the case from that point forward.

5. In *Sara Cruz, et al. v. Michelin North America, et al.*, No. 2007-CV-0141-A (197<sup>th</sup> Dist. Ct. Willacy County Tex.), the defense expert identified red paint marks on the detached tire tread as a paint mark transferred from the vehicle to the tire during the crash sequence, and the defense expert then used this transfer mark as evident to support the defense of the case. Analysis of the photographs taken before the detached tread was shipped to the defendant confirmed that the red paint mark was not on the tread at the time, and analysis of the red paint on the tire as compared with the paint on the red truck confirmed that the two paints were chromatically similar but chemically different. This issue became a significant and time consuming distraction at trial.

6. In *Bertha Orozco, et al. v. Michelin North America, et al.*, No. 06-02-0007-CYL (81<sup>st</sup> Dist. Ct. La Salle County, Tex.), a tire was lost in shipping on its return to my office.

FURTHER AFFIANT SAYETH NOT.

  
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John Blaise Gsanger

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this \_\_\_\_ day of September, 2010, to certify which witness my hand and official seal.

  
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NOTARY PUBLIC, STATE OF TEXAS

