

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR
PALM BEACH COUNTY, FLORIDA

ELAINE CALLENDAR, as Personal
Representative of the Estate of
EUSTACIA CALLENDAR, Deceased,

Case No. 2006 CA 002872 MB
CONSOLIDATED FOR DISCOVERY ONLY WITH
2005 CA 011644 AE
2005 CA 011667 AE
2006 CA 000428 AE
2005 CA 012016 AE
2006 CA 000895 AE

MICHAEL AND PAULINE SEVILLE,
as Co-Personal Representatives of the
Estate of MARSHA SEVILLE, Deceased,

MICHAEL AND PAULINE SEVILLE,
as Co-Personal Representatives of the
Estate of MICHELLE SEVILLE, Deceased,

CERENA JACKSON, Individually and as
Parent and Natural Guardian of MELVIN
JACKSON, TASIA JACKSON, REGINALD
JACKSON, KASHIE EDWARDS, MALCOLM
EDWARDS, MUHAMMAD KNIGHT, and
JORDAN CABRAL PEREZ, Deceased,

TERRY JACKSON, OLGA JACKSON, his Wife,
Individually and as the Parents and Natural Guardians
of TAHILA JACKSON LYNCH, Deceased,

MARCUS ASHLEY, as Personal Representative of
the Estate of VALERIE JACKSON LYNCH, Deceased,
Plaintiffs

vs.

COOPER TIRE AND RUBBER COMPANY, a
Foreign Corporation, and LAKE PARK AUTO
REPAIR SERVICE, a Florida Corporation,
Defendants.

**ORDER DENYING DEFENDANTS' MOTION
TO VACATE OR AMEND ORDER OF MAY 29, 2007
AND CANCELING HEARING SET FOR JUNE 14, 2007**

THIS CAUSE came before the Court on receipt in Chambers of a telefaxed copy of "Plaintiff

Elaine Callendar's Emergency Motion to Strike Defendant Cooper Tire & Rubber Company's June 14, 2007 Notice of Hearing." Defendants had purported to set a hearing on June 14, 2007, to argue that this Court should vacate or amend its Order of May 29, requiring Defendants to produce documents. For the reasons set forth herein, this Court hereby DENIES the motion to vacate or amend the May 29, 2007 Order, and cancels the hearing set on said motion for June 14, 2007.

1. On May 7 and on May 29, 2007, this Court conducted extensive hearings on the issue of whether COOPER TIRE & RUBBER COMPANY ("COOPER TIRE") should be required to produce certain documents. The Court further conducted an *in camera* inspection of documents.

2. After considering the extensive arguments of counsel on the facts and the law, this Court ordered that the documents be turned over to Plaintiffs' counsel. The Court, both in its remarks during the May 29, 2007 hearing and in its written Order of that date, found that the documents examined and reviewed by this Court clearly showed that the arguments of COOPER TIRE, in seeking greatly to limit the scope of documents to be produced, were wholly without substance.

3. COOPER TIRE's counsel requested that this Court grant a stay to permit said counsel to consider whether to file a petition for writ of certiorari. During discussion, COOPER TIRE stipulated that such stay be only for 15 days from May 29, or until June 14, 2007. Accordingly, the Order included a provision in a footnote that, if within said 15-day period, COOPER filed a petition for writ of certiorari, a stay would thereupon automatically go into effect. Otherwise, all documents are required to be produced within 20 days of May 29, 2007, or by June 19, 2007.

4. COOPER TIRE now is attempting to set a hearing on its request that this Court vacate its May 29, 2007 Order, although certain of Plaintiffs' counsel are unavailable, being out of State

or out of Country during the intervening period. This Court, on reviewing its detailed Order of May 29, 2007, is of the view that further argument by COOPER is unwarranted and would not result in a vacating or limitation of the May 29, 2007 Order.

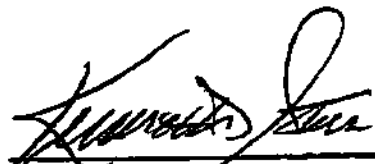
WHEREFORE, it is hereby ADJUDGED AND ORDERED, as follows:

1. The Order of May 29, 2007 was entered after two hearings, and after *in camera* inspection of documents. This Court considers the position of COOPER TIRE to be spurious, as its own documents clearly show that the characteristics of the subject tire were shared by COOPER tires in many different lines, including both passenger and radial light truck tires, and even medium truck tires. COOPER TIRE itself, in its examination of the problem of tread separation, has considered the various tire lines together, since they shared elements of design and common defects.

2. The Defendants' motion to vacate or amend the Order of May 29, 2007 is hereby DENIED, and the hearing which has been set for June 14, 2007 is hereby canceled.

3. This Court will not conduct any further hearings on the subject of the May 29, 2007 Order, unless it is to consider sanctions in the event COOPER TIRE fails to comply fully and timely therewith, by June 19, 2007.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 7th day of June, 2007.


KENNETH D. STERN
Circuit Judge

Copies Furnished:
See attached

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