

Testimony of

# Johnny Bradley

December 11, 2007

TESTIMONY OF  
MR. JOHNNY BRADLEY

"THE SUNSHINE IN LITIGATION ACT: DOES COURT SECRECY  
UNDERMINE PUBLIC HEALTH AND SAFETY? "

BEFORE THE  
SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE

December 11, 2007

Good afternoon Chairman Kohl, Ranking Member Hatch, and members of the Subcommittee. My name is Johnny Bradley and I am from Pachuta, Mississippi. I am here today to represent those who live every day with the devastating consequences of court secrecy. Unfortunately, I know first hand what it feels like to lose someone because of a defective product. On July 14, 2002, my life changed forever. I became a widower, and my young son Deante lost his mother.

My wife died in a car wreck when the tread separated on one of the rear Cooper tires on our Ford Explorer. As a result, our car rolled over 4.5 times, killed my wife instantly, and rendered me unconscious for approximately two weeks. With my son in the backseat, and me and my wife in the front, my cheerful family had been driving from California to visit my family in Mississippi. Since we were traveling across the country, we even had our vehicle checked at a nearby repair shop prior to leaving California.

You see, my wife and I were both in the Navy, previously stationed in Guam, and we had the rare opportunity to finally visit my family on our way to a new post in Pensacola, Florida.

Though I worked on torpedoes and my wife was an E-5 postal clerk, we were both selected to become Navy recruiters - a real honor for both of us to broaden our Navy careers. My then 6-year-old son Deante was also excited to see his Grandma Queen in Mississippi. It was like Christmas in July to visit our family on the mainland after being stationed in Guam, and he anticipated lots of presents and delicious Southern cooking.

We never made it past New Mexico. The last thing I remember about that tragic day was that I dozed off with my wife driving. When I woke up from my coma two weeks later, I was told that my wife had died. My family had waited two weeks to hold my wife's funeral because they wanted me to be able to attend. Sadly, my young son had to go in my place because my own injuries were so severe. My left leg had to be fused at the knee, and my intestines were cut in half from the force of my seat belt in the wreck. To this day, I cannot walk properly, and I must always travel with my colostomy bag.

I believe that if we had known about the dangerous tread separation defect in Cooper tires my wife would still be alive today. You see, only after the death of my wife, and through litigation battles in federal court with my highly specialized attorney did I learn about a series of design defects in Cooper tires that Cooper had known about previously. To my horror, I found out that Cooper had faced numerous incidents like mine since the 1990s and had, in its possession, thousands of documents detailing these defects. Why have the details from as many as 200 lawsuits

against Cooper remained covered up? Why were these dangers never discovered by the public? Why were all of these tragic stories never shared before? I found out through my attorney that almost all of these documents were kept confidential through various protective orders, demanded by the tire company and entered by courts around the country, so that vital information that could have saved our family would never be disclosed to the public.

We bought Cooper tires because we thought they would be safer than Firestone tires. If I had known that they were even worse than Firestone tires, as my attorney found out through these confidential documents, I would not have touched these tires.

You might be wondering how my attorney came across these documents if they were confidential. I was lucky enough to obtain counsel, Bruce Kaster, who has specialized in this type of litigation for over two decades. To this day, I would not even have known about the dangers of Cooper tires and four specific design defects if Bruce had not known to ask for these documents. He only knew to ask for access to these documents because of his own work over the years. Bruce even had to battle with Cooper and the court to gain access to these documents. Worst of all, almost every document detailing the tire defects was sealed under a protective order entered by the federal court over objection by my lawyer.

I can sit here today and give you the facts about what happened to me, but the protective order issued by the federal court forbids me from talking about the documented evidence of Cooper tire defects uncovered by my attorney during litigation. I know some Cooper tire problems were reported in the newspaper prior to my wife's death, but without specific, documented evidence now cloaked in secrecy, these defects were not nearly as publicized as the well known Firestone tire defects. I believe that if what I saw were made public, the evidence would be so similar to the Firestone tire problems that Cooper would be forced to correct the design defects in their tires as Firestone did, or that Cooper would be forced to stop producing tires. But unfortunately, I cannot disclose what my attorney found, so defects that lead to tread separation of the tire can never be uncovered, even though these tires continue to be sold and incidents like mine have not stopped.

I am here today because I want to prevent a tragedy like mine from happening to other families. Court secrecy and protective orders allowed Cooper to cover up vital information in federal court that could have saved Timica's life. And because I am not allowed to disclose evidence of tire defects, I must sit by and helplessly wait until the next tragedy occurs.