

Won affirmance for Michelin to preserve a defense verdict WTO won in a nine-week product liability trial in Florida with \$80 million to \$1.2 billion at stake.

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Wheeler Trigg O'Donnell (WTO) attorneys, led by Theresa Wardon Benz, won affirmance of a complete defense jury verdict for Michelin North America, Inc., in a highly watched product liability lawsuit in Florida.

The appellate court affirmed without reason, which means that plaintiffs cannot appeal to the Florida Supreme Court without first filing, and winning, a motion for an opinion. During appeal, the plaintiffs raised eight separate arguments with multiple subparts, all of which the defense successfully answered.

Attorneys Wendy Lumish of Bowman and Brooke and Michael Correnti and Michael Wiggins of the Florida-based firm McDonald Toole Wiggins assisted in the appellate victory. Both firms also played prominent roles at trial.

The case involved claims filed by three plaintiffs stemming from a rollover accident in 2009 resulting in catastrophic brain injuries to two minor plaintiffs, 14 and 16, and injuries to an adult. In closing arguments, the plaintiffs' lawyers asked the jury to award from \$80 million to \$1.2 billion in damages.

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In their lawsuit, the plaintiffs claimed Michelin's tire was defective. A trial team led by WTO attorneys Michael O'Donnell, Edward Stewart, and Theresa Wardon Benz demonstrated throughout the nine-week trial that the tire was not defective. They showed the tire was well-designed and well-manufactured but had been previously damaged during its service life. The case also highlighted the dangers of purchasing a used tire.